



FOR CLERK USE ONLY	
City Council	
Item No.	14

CITY COUNCIL AGENDA FACT SHEET

Community Development

Department

July 20, 2010

Requested Date

1. Request:

Council Approval

☒Information Only/
Presentation☐

Other (specify)

☐

Hearing

☐**2. Requested Action:**

Zoning Ordinance Text Amendment No. 2009-02 (Sign Ordinance Update). Recommendation to open public hearing. Approve Resolution approving Negative Declaration and adopt Ordinance repealing various sections of the Municipal Code pertaining to Signs and replacing them with a new updated Sign Ordinance.

3. Fiscal Impact:

Revenue:

Increase

☐

Source:

Decrease

☐

Amount:

Cost:

Increase

☐

Source:

Decrease

☐

Amount:

Does Not Apply

☒**4. Reviewed By:**

Finance Dept. on

By:

Comments:

City Attorney on

By:

Comments:

Note: Back up must be submitted along with this form. Deadline is 5:00 p.m., 2 Fridays before the scheduled meeting date.

CLERK USE ONLY:

CITY COUNCIL DATE:

Action

☐

Filing

☐

Consent

☐

Presentation

☐

Hearing

☐

Other(specify)

☐

Reviewed by: City Clerk

City Manager

Date

Date

**CITY OF CALEXICO
CITY COUNCIL
AGENDA REPORT**

SUBJECT: Zoning Ordinance Text Amendment No. 2009-02 (Sign Ordinance Update)

AGENDA DATE July 20, 2010

PREPARED BY: Armando G. Villa, Assistant City Manager/
Director of Community Development

Alipha

**APPROVED FOR
AGENDA BY:** Victor Carrillo, City Manager

RECOMMENDATION:

It is staff's recommendation that the City Council open the public hearing and allow input from all proponents and opponents of the proposed project. It is then recommended that the project be approved by taking the following actions.

1. Motion to adopt City Council Resolution No. 2010-__, (Attachment No. 1), approving Negative Declaration No. 2009-12.
2. Motion to adopt Ordinance No. __, (Attachment No. 2), repealing various sections of the Municipal Code pertaining Signs and replacing them with a new Updated Sign Ordinance (Zoning Ordinance Text Amendment No. 2009-02).

FISCAL IMPACT: None.

BACKGROUND INFORMATION:

The above request was originally heard and considered by the Planning Commission on January 5, 2010 and City Council on March 2, 2010. At the City Council hearing, the Council concurred with the Planning Commission's decision to comprehensively update the Sign Ordinance however; Council expressed concerns over the Billboard Policy which essentially proposed prohibiting any new billboards within the city limits. Council directed staff to revisit the billboard policy with the Planning Commission to see if alternatives could be developed to allow billboards with distance requirements.

Due to the April 4, 2010 Easter Earthquake, review and formulation of alternatives as directed by Council were delayed.

At their meeting of June 28, 2010, the Planning Commission was presented with alternatives to address the distance requirement. These will be discussed in the analysis section of this report.

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SUBJECT: Zoning Ordinance Text Amendment No. 2009-02 (Sign Ordinance Update)

Signs (or advertising devices) are currently regulated subject to codes contained in various sections throughout the Calexico Municipal Code (CMC). Sections 15.28, 15.30 (Building Code), 12.14 (Streets & Sidewalks), 5.56, 5.56.090, 5.20.190 (Business Licenses), and 17.01.1100 thru 17.01.1110 (Zoning Code) of the Calexico Municipal Code contain fragmented regulations regarding the placement and requirements for signs within the city. Some of these sections were adopted and revised in the 1980's. Attempts at revising sign regulation have been the subject of debate and can be traced back 20 years. In 1990, the Planning Director wrote a memo to the City Manager indicating that a new proposed Sign Draft Ordinance had been prepared and was ready, subject to deliberations. However, no activity or actions past that was found.

In 2007, at the request of the City Council, staff began to analyze existing regulation(s) and determined that what existed in the form of sign regulation was antiquated and severely fragmented rendering it difficult to implement and most important, to enforce. Additionally, a visual reconnaissance around the major commercial areas and arterials around the city reveal that signage is "out-of-control". Because of the lack of comprehensive regulation, many existing signs are either too large, too tall, overhanging in the public right-of-way, or simply out of proportion with established businesses.

Consequently, at their regular meeting of December 4, 2007, the City Council authorized and directed staff to begin proceedings to amend the existing sign regulations contained in Section 15.28 and other pertinent sections.

In early 2008, staff began researching for new regulations and conducted an inventory of surrounding and neighboring cities. Regulations from cities such as El Centro, La Mesa, El Cajon, Lake Elsinore, and Imperial County were taken in consideration in the formulation of a revised Sign Ordinance.

In June 2008, a Draft Screencheck Sign Ordinance was prepared. It was subsequently routed for internal department's comments for 30-days. In August 2008, the City Council requested an update at their regular meeting held on August 5, 2008. The Draft Screencheck and Ordinance "concept" was generally accepted and council directed staff to proceed with the formulation of the Draft Ordinance and with a 30-day public review period which commenced on August 8, 2008 thru September 8, 2008. Staff held a public workshop on August 28, 2008 which was published in the Imperial Valley Press.

On September 13, 2008, staff held an additional Workshop to present the proposed Sign Ordinance Amendment (Version 1.1) at the regularly scheduled Planning Commission meeting date. The Planning Commission directed staff to continue with the "public-outreach" process by soliciting comments from the Calexico Chamber of Commerce. A public presentation was held in October 2008.

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SUBJECT: Zoning Ordinance Text Amendment No. 2009-02 (Sign Ordinance Update)

Due to the severe workloads, staff postponed further formulation of the proposed ordinance until September 2009 where staff presented the latest ordinance refinements (Version 1.3) at the Planning Commission on October 12, 2009. At that meeting, the Planning Commission directed staff to extend the “public outreach process” by having a second 30-day public review period after the city attorney’s office has a chance to review and comment legal issues. Additionally, the Planning Commission directed staff to have yet another open public workshop at the conclusion of the review period to accept additional comments. That public review for the proposed Sign Ordinance Amendment (Version 1.5) period commenced on November 15, 2009 thru December 15, 2009. The public workshop was held on December 16, 2009.

Lastly, at their regular meeting held on January 25, 2010, the Planning Commission approved Planning Commission Resolution No. 2010-08 and 2010-07 recommending to the City Council adoption of a Zoning Ordinance Text Amendment incorporating a new Sign Ordinance and corresponding environmental clearance for that action.

ANALYSIS AND DISCUSSIONS

The proposed ordinance has gone through an extensive and comprehensive formulation and public outreach process as it is typical of projects such as this. The proposed ordinance will establish the necessary design criteria and process to encourage creativity while at the same time allowing flexibility in selecting signage needs. Ultimately, the intent was to develop more substantive requirements pertaining to the display of advertising structures while protecting individuals and business first amendment rights. Over time, with appropriate and diligent implementation, the city will ultimately improve its aesthetic image hence promoting economic growth and improved quality of life for its residents, businesses, and future ventures.

While formulating proposed sign provisions, staff analyzed the existing and anticipated future needs of Calexico’s citizens and business community. Over time, the city of Calexico will grow and expand with modern types of developments such as regional commercial centers and master planned communities. This will necessitate flexibility while encouraging creativity in the selection and permitting of signage needs. What is being proposed contains provisions to deal with signage needs of existing establishments and contain provisions to deal with future modern types of establishments. The primary objective while developing provisions for signage was the establishment of “*proportion*” and “*character*” of proposed signs within performance based guidelines (i.e., ratio of 1:1 of wall to sign or sign area to site size). This would ultimately allow a sign proponent to creatively select the best sign option based on building/site proportion and needs.

Additionally, another major goal, while formulating sign provisions was to engage public participation. Consequently, several outreach sessions were realized to guarantee appropriate public participation. The timelines below illustrate staff’s attempts over a 24-month span to

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SUBJECT: Zoning Ordinance Text Amendment No. 2009-02 (Sign Ordinance Update)

garner public input and support into the formulation of the proposed Sign Ordinance Amendment.

Public Outreach Process
"Timelines"

- | | |
|--|--------------------|
| • Direction from City Council to begin Amendment | December 4, 2007; |
| • Research and Formulation of Screencheck | January 2008; |
| • Draft Screencheck Completion | June 2008; |
| • Draft Screencheck internal review | July 2008; |
| • Screencheck to City Council | August 5, 2008; |
| • 1 st 30-day Public Review | August 2008; |
| • 1 st Open Public Workshop | August 8, 2008 |
| • Planning Commission Workshop #1 | September 13, 2008 |
| • Chamber of Commerce Presentation | October 2008 |
| • Planning Commission Workshop #2 | September 12, 2009 |
| • 2 nd 30-day Public Review | November 2009 |
| • 2 nd Open Public Workshop | December 16, 2009 |
| • Planning Commission Hearing #1 | January 25, 2010 |
| • City Council Hearing #1 | March 2, 2010 |
| • Planning Commission Hearing #2 | June 28, 2010 |
| • City Council Hearing #2 | July 20, 2010 |

Staff is in support of the proposed Sign Ordinance because it is believed that over time with appropriate and diligent implementation, it will improve the aesthetic image of Calexico by encouraging "smarter" signs. This ultimately will lead to further economic development and a better "quality of life" for Calexico.

City Council Direction and Planning Commission outcome June 28, 2010

At the Planning Commission meeting of June 28, 2010, staff presented several alternatives to allow Billboards. Staff conducted an inventory of all existing billboards (6 total) and analyzed the impacts of allowing additional billboards based on distance requirements. Such distances are ½ (Exhibit "A"), ¼ (Exhibit "B") and 1/8 (Exhibit "C") of mile separation from each other. After reviewing the various alternatives, the Planning Commission selected Option Exhibit "B" which is a proposal to consider billboards at ¼ mile spacing via a Conditional Use Permit. Additionally, the Commission recommended that the following be incorporated into the Billboard Policy:

Billboard Policy. ~~It is a fundamental land use policy of the City of Calexico to prohibit the construction, erection or use of any billboards, as defined in this Section other than those that legally exist in the city, or for which a valid permit has been issued and has not expired as of the date on which this provision is first adopted.~~

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SUBJECT: Zoning Ordinance Text Amendment No. 2009-02 (Sign Ordinance Update)

~~The city adopts this policy pursuant to California Government Code Section 65850, California Business and Professions Code Sections 5354(a) and 5408.3 (both effective January 1, 2003). No permit shall be issued for any billboard that violates this policy, and the construction or maintenance of any billboard in violation of this subsection is declared a nuisance and the city may take immediate steps to abate any nuisance created by any billboard constructed or maintained in violation of this policy. The city council affirmatively declares that it would have adopted this subsection even if it were the only provision in this chapter. It shall be the policy of the City of Calexico to regulate the placement of "Billboards" by requiring consideration of such signs via the Conditional Use Permit (CUP) process pursuant to applicable provisions of the Zoning Code. The following requirements shall be met:~~

1. ~~The location shall be zoned Commercial or Industrial;~~
2. ~~There must be a business activity within 1,000 feet of the proposed sign;~~
3. ~~No sign shall be permitted within 1/4 mile radius of another legally permitted Billboard;~~
4. ~~No sign shall be permitted within 300' distance from another legally permitted on site freestanding/freeway sign;~~
5. ~~Other considerations regarding compatibility of placement as required by the CUP process;~~
6. ~~No sign shall be permitted on Parcels of land less than 2 acres in size;~~
7. ~~The city adopts this policy pursuant to California Government Code Section 65850, California Business and Professions Code Sections 5354(a) and 5408.3 (both effective January 1, 2003).~~

Attachments:

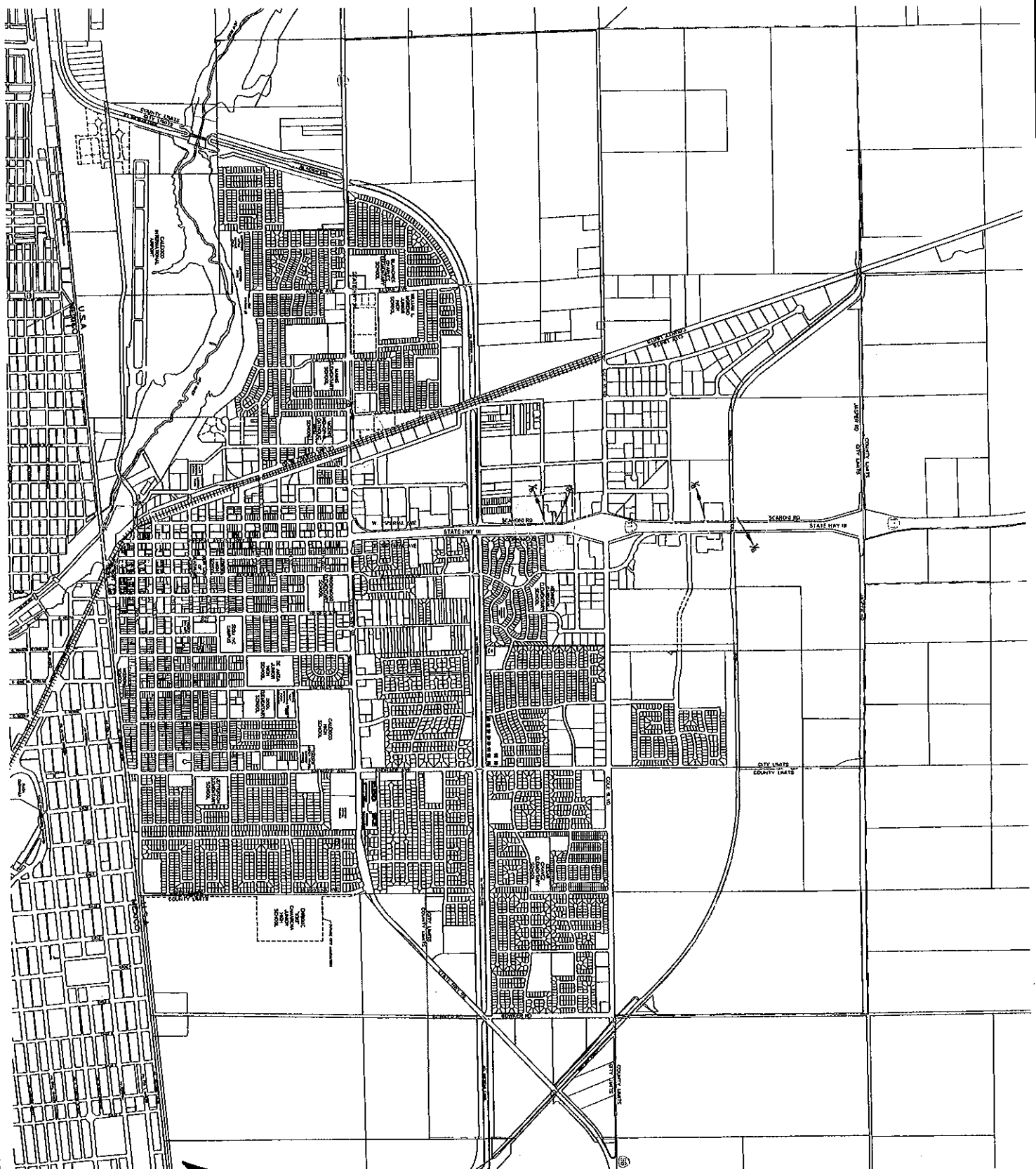
1. **Proposed City Council Resolution for ND 2009-12;**
2. **Proposed City Council Ordinance No. ____ for Zoning Ordinance Text Amendment No. 2009-02.**
3. **Exhibits A thru D**

CITY OF CALEXICO
BILLBOARD INVENTORY MAP
 COMMUNITY DEVELOPMENT DEPARTMENT
 IMPERIAL COUNTY, CALIFORNIA
1/8 MILE RADIUS
EXHIBIT A

LEGEND
 CITY LIMITS
 CITY ROW/PROPERTY LINE
 COUNTY ROW/PROPERTY LINE

INDICATES 1/8 MILE
 RADIUS CIRCLE
 SIGN LOCATION

JUNE 2010
 DISSENGARD BEARING EARLIER DATES.
 GRAPHIC SCALE
 0 600 1200 2400
 SCALE 1"=1/2 MILE
 SCALE 1"=1/4 MILE



CITY OF CALEXICO
BILBOARD INVENTORY MAP
 COUNTY DEVELOPMENT DEPARTMENT
 IMPERIAL COUNTY, CALIFORNIA

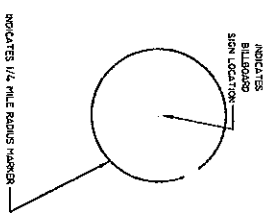
1/4 MILE RADIUS
EXHIBIT B

LEGEND

CITY LIMITS _____

CITY ROW/PROPERTY LINE _____

COUNTY ROW/PROPERTY LINE _____

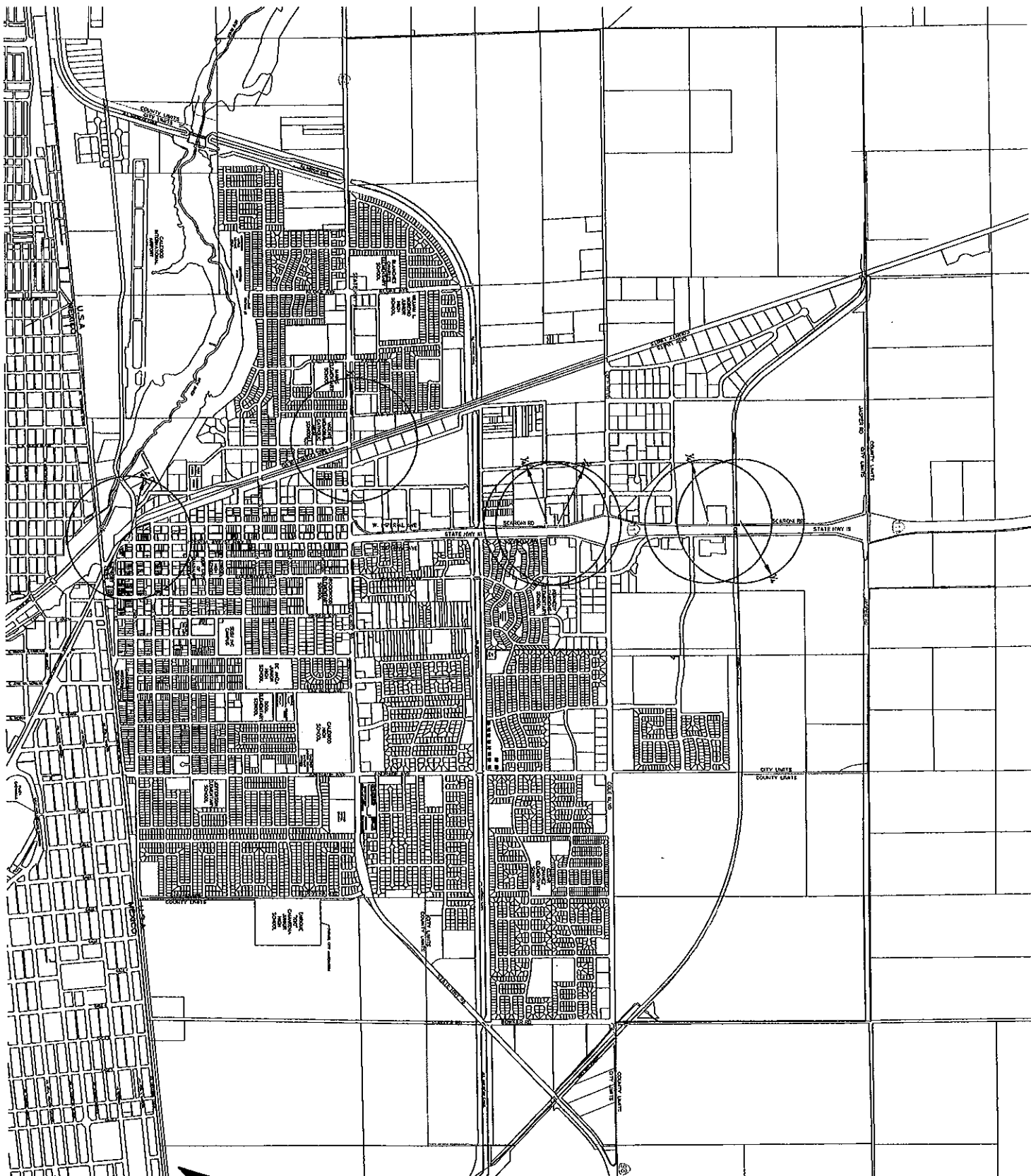


JUNE 2010

DISREGARD BEARING EARLIER DATES.

GRAPHIC SCALE
 0' 650' 1300'

SCALE 1"=1300'

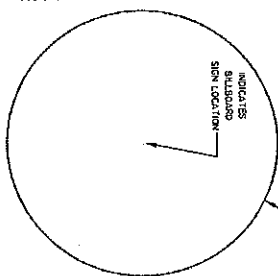


CITY OF CALEXICO
BILLBOARD INVENTORY MAP
 COUNTY DISCREPANT DEPARTMENT
 IMPERIAL COUNTY, CALIFORNIA
1/2 MILE RADIUS
EXHIBIT A

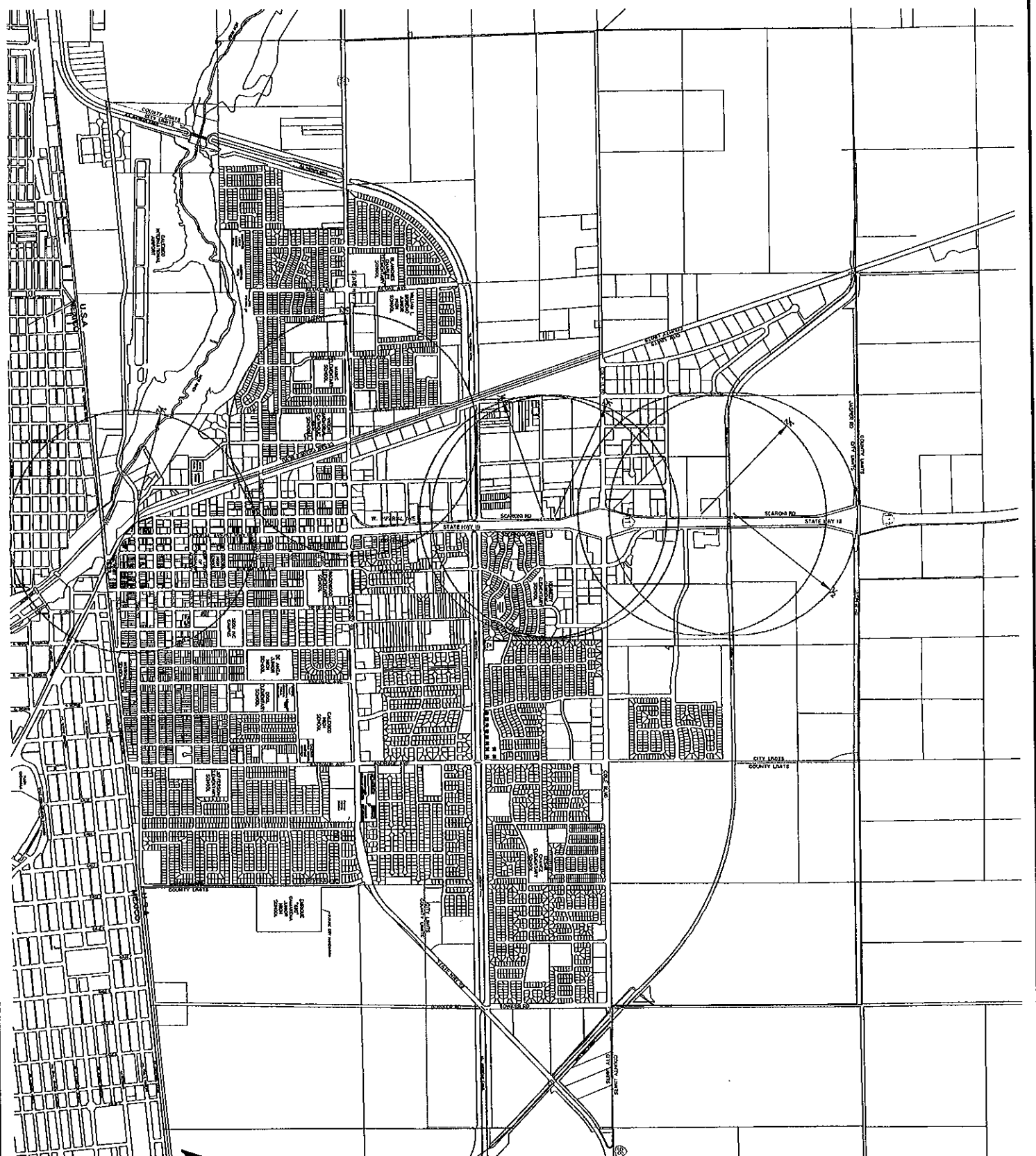
LEGEND
 CITY LIMITS
 CITY ROW/PROPERTY LINE
 COUNTY ROW/PROPERTY LINE

INDICATES 1/2 MILE RADIUS TURNER

INDICATES
 BILLBOARD
 SIGN LOCATION

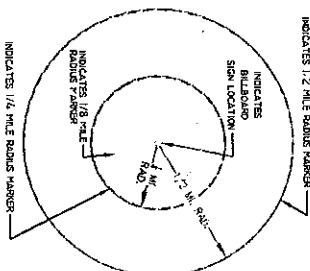


JUNE 2010
 DISCREPANT BEARING EARLIER DATES.
 GRAPHIC SCALE
 0 500 1000
 FEET
 SCALE 1"=1000'

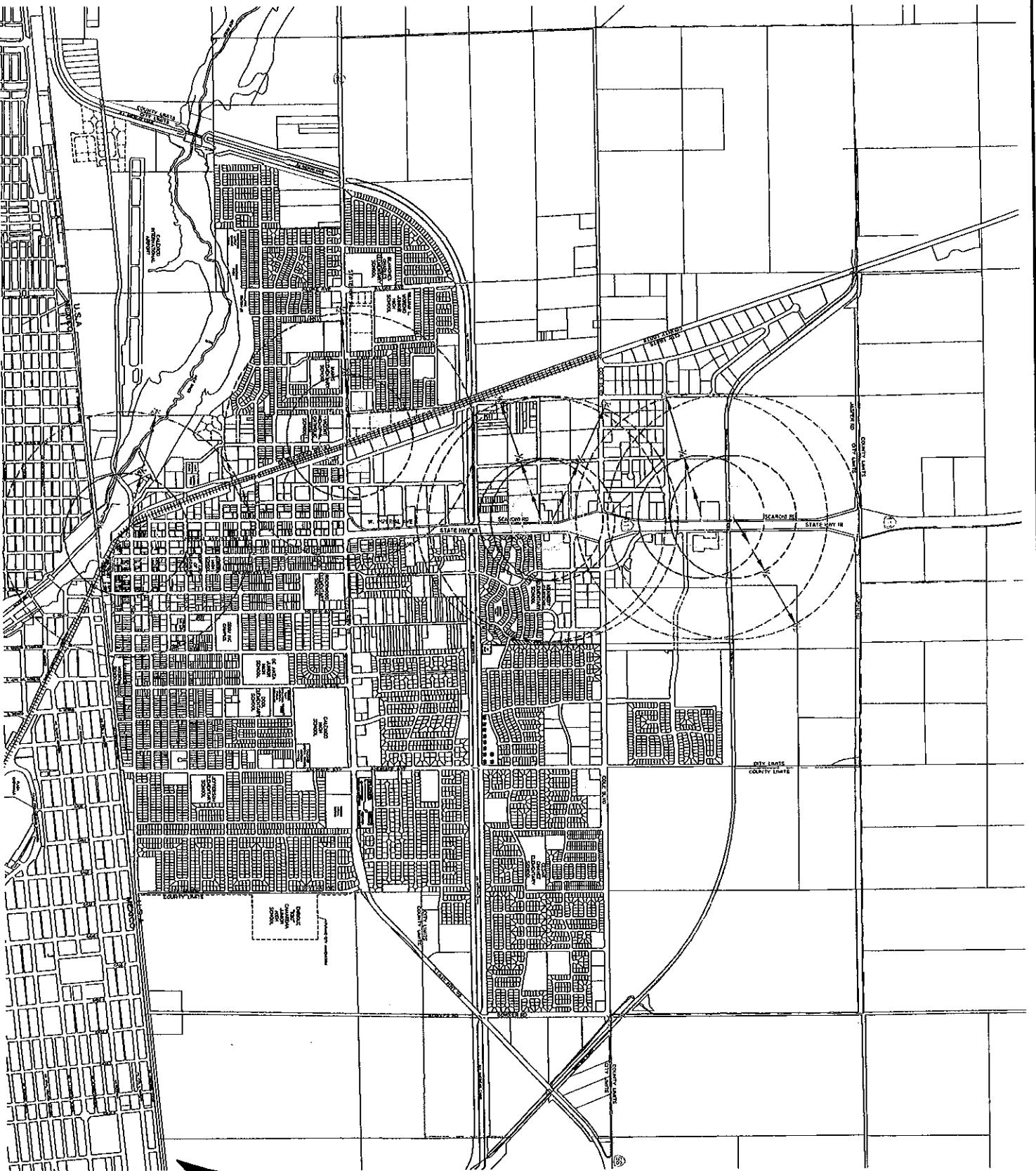


CITY OF CALEXICO
BILLBOARD INVENTORY MAP
 COMMUNITY DEVELOPMENT DEPARTMENT
 IMPERIAL COUNTY, CALIFORNIA
COMPOSITE
EXHIBIT D

LEGEND
 CITY LIMITS
 CITY ROW/PROPERTY LINE
 COUNTY ROW/PROPERTY LINE



JUNE 2010
 DISREGARD BEARING EASIER DATES.
 GRAPHIC SCALE
 SCALE 1"=1/2 MILE
 SCALE 1"=1/4 MILE



RESOLUTION NO. 2010-__**RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF CALEXICO APPROVING
NEGATIVE DECLARATION NO. 2009-09
RELATED TO ZONING ORDINANCE TEXT
AMENDMENT NO. 2009-02 PERTAINING TO
SIGNS.**

WHEREAS, public hearing was held on Zoning Ordinance Text Amendment No. 2009-02, on March 2, 2010 in the Council Chambers, 608 Heber Avenue, Calexico, California; and

WHEREAS, public hearing was advertised according to law; and

WHEREAS, petition was initiated by the City of Calexico; and

WHEREAS, no one was present to object to the petition nor were any objections filed with the Commission; and

WHEREAS, proposed amendment is in conformity with the General Plan, map and text, and other development policies of the City; and

WHEREAS, proposed amendment is appropriate for the property or properties which will be affected by such action, with consideration given to access, size of parcel(s), relationship to similar or related uses and other considerations deemed relevant by the Commission; and

WHEREAS, proposed amendment is necessary and proper at this time, and is not likely to be detrimental to property or residents affected by such action; and

WHEREAS, proposed amendment would not have a significant deleterious effect on the environment; and

WHEREAS, proposed amendment could not adversely affect the general health, safety and welfare of the community.

WHEREAS, the City Clerk and Director of Planning and Development Services located at 608 Heber Avenue, Calexico, California, are the custodians of the records or materials which constitutes the record of proceedings upon which the City Council's decision is based in this matter.

NOW, THEREFORE, be it resolved that the City Council has considered the proposed Mitigated Negative Declaration No. 2009-03, prior to making a decision. The City Council finds and determines that Mitigated Negative Declaration No. 2009-03 is adequate and prepared in accordance with the requirements of the California

Environmental Quality Act (CEQA) which analyzes environmental effects of the proposed project.

1. That the above and foregoing is true, correct and adopted.
2. That the Negative Declaration without mitigation measures and monitoring program, a copy of which is on file in the Office of the City Clerk, for the above named project is hereby adopted.

PASSED AND ADOPTED, at a regular meeting of the City Council of the City of Calexico, California, held on this 20th day of July, 2010.

CITY OF CALEXICO

John Moreno, Mayor

ATTEST:

Lourdes Cordova
City Clerk

APPROVED AS TO FORM:

Jennifer M Lyon, City Attorney

STATE OF CALIFORNIA)
COUNTY OF IMPERIAL) ss
CITY OF CALEXICO)

I, Lourdes Cordova, City Clerk of the City of Calexico, California, do hereby certify that the foregoing Resolution No. 2010-____ was duly and regularly adopted at a regular meeting of the City Council of the City of Calexico, California held on this 20th day of July, 2010 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Lourdes Cordova, City Clerk

NEGATIVE DECLARATION NO. 2009-03

FOR

City of Calexico Sign Ordinance Update
(UA No. 2009-12)

Prepared By:
CITY OF CALEXICO
Community Development Department
608 Heber Avenue
Calexico, CA 92231

November 2009

**CITY OF CALEXICO
PUBLIC REVIEW NOTICE
OF INTENT TO ADOPT
NEGATIVE DECLARATION 2009-03
(UA 2009-12)**

Notice is hereby given that a Negative Declaration has been prepared for a sign ordinance update which proposes to incorporate more substantive requirements pertaining to the display of advertisement structures while protecting individuals and businesses first amendment rights. The proposed sign ordinance update is to be implemented throughout the entire incorporated boundaries of the City of Calexico.

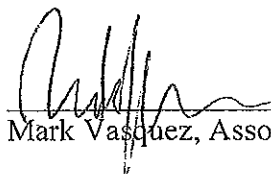
A copy of the Negative Declaration and related documents are available for public inspection at the following location:

City Hall
Development Services Dept.
608 Heber Ave.
Calexico, CA 92231

8:00 a.m. – 5:00p.m.

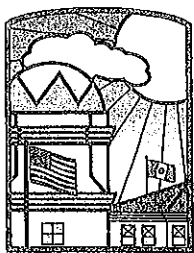
Monday - Friday

The Negative Declaration will be available for a 30-day public review period beginning **December 3, 2009 through January 3, 2010.** Comments received during this time period will be included as part of the decision making process. Written comments should be directed to Mark Vasquez, Associate Planner, 608 Heber Ave, Calexico, CA 92231. For further information, contact City Hall, Development Services Dept. at (760) 768-2105.



Mark Vasquez, Associate Planner

To be published once on Thursday, December 3, 2009 as a legal advertisement.



CITY OF CALEXICO

608 Heber Avenue
Calexico, CA 92231
Tel: 760.768.2105
Fax: 760.357.7862

www.calexico.ca.gov

Community Development Department

Administration - Building Safety - Code Enforcement - Engineering - Planning

December 1, 2009

Bureau of Land Management
Calexico Public Library (Public Review Document)
Calexico Unified School District
Caltrans, District II,
Planning Division Mail Station 450 - Jacob Armstrong
Central Union High School District- Orlando Johnson
City of El Centro
Department of California Highway Patrol,
El Centro Area - R.E. Jones
Department of Fish and Game
Inland Desert Region - Kim Nicol
Southwest Signs- Dennis Byrd
Building Industry Association - Desert Chapter

Heber Public Utility District - John A. Jordan
Imperial County APCD - Monica Soucier
Imperial County Department of Agriculture
Imperial County Office of Education - Fernando O. Garcia
Imperial County Planning and Development Services
Darrel Gardner
Imperial County Public Health Department
Imperial County Sheriff - Jesse Obeso
Imperial Irrigation District - John Kilps
McCabe Elementary
Public Utilities Commission - Rosa Muñoz
The Gas Company

RE: PUBLIC REVIEW NOTICE OF NEGATIVE DECLARATION 2009 - 03

Agency Representative:

Enclosed please find a description of a project proposed within the City of Calexico. An initial study has been conducted by the City and the results indicate no significant adverse impacts to the environment by the project. A Negative Declaration of environmental impact will therefore be prepared for the project. If you, as responsible agency, have any specific concerns regarding the preparation of the Negative Declaration, please submit your concerns to this office no later than January 3, 2009 so that concerns may be reflected.

Your cooperation is greatly appreciated.

Sincerely,

Mark Vasquez
Associate Planner

Viva Calexico!

I. INTRODUCTION

A. PURPOSE

This document is an Initial Study in order to evaluate the environmental impacts resulting from a proposed Sign Ordinance Update to city ordinance section Article XI – Chapter 17.01.1100 CMC “Signs –Advertising Structures”.

By its nature the Sign Ordinance is meant to be amended as changes occur in city policies and state law. The proposed sign ordinance update is to be implemented throughout the entire incorporated boundaries of the City of Calexico.

B. CALIFORNIA ENVIRONMENTAL QUALITY ACT REQUIREMENTS

As defined by Section 15063 of the State California Environmental Quality Act (CEQA) Guidelines, an **Initial Study** is prepared primarily to provide the Lead Agency with information to use as the basis for determining whether an Environmental Impact Report (EIR), Negative Declaration, or Mitigated Negative Declaration would be appropriate for providing the necessary environmental documentation and clearance for any proposed project.

According to Section 15065, an **EIR** is deemed appropriate for a particular proposal if the following conditions occur:

- The proposal has the potential to substantially degrade quality of the environment.
- The proposal has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.
- The proposal has possible environmental effects that are individually limited but cumulatively considerable.
- The proposal could cause direct or indirect adverse effects on human beings.

According to Section 15070(a), a **Negative Declaration** is deemed appropriate if the proposal would not result in any significant effect on the environment.

According to Section 15070(b), a **Mitigated Negative Declaration** is deemed appropriate if it is determined that though a proposal could result in a significant effect, mitigation measures are available to reduce these significant effects to insignificant levels.

This Initial Study has determined that the proposed applications will not result in any potentially significant environmental impacts and therefore, a Negative Declaration is deemed as the appropriate document to provide necessary environmental evaluations and clearance.

This Initial Study and Negative Declaration are prepared in conformance with the California Environmental Quality Act of 1970, as amended (Public Resources Code, Section 21000 et. seq.); Section 15070 of the State Guidelines for Implementation of the California Environmental Quality Act of 1970, as amended (California Code of Regulations, Title 14, Chapter 3, Section 15000, et. seq.); applicable requirements of the City of Calexico; and the regulations, requirements, and procedures of any other responsible public agency or an agency with jurisdiction by law.

The City of Calexico City Council is designated the Lead Agency, in accordance with Section 15050 of the CEQA Guidelines. The Lead Agency is the public agency which has the principal responsibility for approving the necessary environmental clearances and analyses for any project in the City.

C. INTENDED USES OF INITIAL STUDY AND NEGATIVE DECLARATION

This Initial Study and Negative Declaration are informational documents which are intended to inform City of Calexico decision makers, other responsible or interested agencies, and the general public of potential environmental effects of the proposed applications. The environmental review process has been established to enable public agencies to evaluate environmental consequences and to examine and implement methods of eliminating or reducing any potentially adverse impacts. While CEQA requires that consideration be given to avoiding environmental damage, the Lead Agency and other responsible public agencies must balance adverse environmental effects against other public objectives, including economic and social goals.

The Initial Study and Negative Declaration, prepared for the project will be circulated for a period of 20 days for public and agency review. The proposed sign ordinance update is to be implemented throughout the entire incorporated boundaries of the City of Calexico. For purposes of this document, the Sign Ordinance Update will be called the "proposed application".

D. CONTENTS OF INITIAL STUDY

This Initial Study is organized to facilitate a basic understanding of the existing setting and environmental implications of the proposed applications.

I. INTRODUCTION presents an introduction to the entire report. This section discusses the environmental process, scope of environmental review, and incorporation by reference documents.

II. PROJECT DESCRIPTION describes the proposed applications. A description of discretionary approvals and permits required for project implementation is also included.

III. ENVIRONMENTAL CHECKLIST FORM contains the City's Environmental Checklist Form. The checklist form presents results of the environmental evaluation for the proposed applications and those issue areas that would have either a significant impact, potentially significant impact, or no impact.

IV. ENVIRONMENTAL ANALYSIS evaluates each response provided in the environmental checklist form. Each response checked in the checklist form is discussed and supported with sufficient data and analysis as necessary. As appropriate, each response discussion describes and identifies specific impacts anticipated with project implementation.

V. MANDATORY FINDINGS presents Mandatory Findings of Significance in accordance with Section 15065 of the CEQA Guidelines.

VI. PERSONS AND ORGANIZATIONS CONSULTED identifies those persons consulted and involved in preparation of this Initial Study and Negative Declaration.

VII. REFERENCES lists bibliographical materials used in preparation of this document.

E. SCOPE OF ENVIRONMENTAL ANALYSIS

This document is prepared to satisfy the CEQA needs of the City of Calexico. The City of Calexico is considering approval of an update to the current sign ordinance.

For evaluation of environmental impacts, each question from the Environmental Checklist Form is

stated and responses are provided according to the analysis undertaken as part of the Initial Study. Impacts and effects will be evaluated and quantified, when appropriate. To each question, there are four possible responses, including:

1. **No Impact:** A “No Impact” response is adequately supported if the impact simply does not apply to the proposed applications.
2. **Less Than Significant Impact:** The proposed applications will have the potential to impact the environment. These impacts, however, will be less than significant; no additional analysis is required.
3. **Less Than Significant With Mitigation Incorporated:** This applies where incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact”.
4. **Potentially Significant Impact:** The proposed applications could have impacts that are considered significant. Additional analyses and possibly an EIR could be required to identify mitigation measures that could reduce these impacts to less than significant levels.

F. TIERED DOCUMENTS AND INCORPORATION BY REFERENCE

Information, findings, and conclusions contained in this document are based on incorporation by reference of tiered documentation, which are discussed in the following section.

1. Tiered Documents

As permitted in Section 15152(a) of the CEQA Guidelines, information and discussions from other documents can be included into this document. Tiering is defined as follows:

“Tiering refers to using the analysis of general matters contained in a broader EIR (such as the one prepared for a general plan or policy statement) with later EIRs and negative declarations on narrower projects; incorporating by reference the general discussions from the broader EIR; and concentrating the later EIR or negative declaration solely on the issues specific to the later project.”

Tiering also allows this document to comply with Section 15152(b) of the CEQA Guidelines, which discourages redundant analyses, as follows:

“Agencies are encouraged to tier the environmental analyses which they prepare for separate but related projects including the general plans, zoning changes, and development projects. This approach can eliminate repetitive discussion of the same issues and focus the later EIR or negative declaration on the actual issues ripe for decision at each level of environmental review. Tiering is appropriate when the sequence of analysis is from an EIR prepared for a general plan, policy or program to an EIR or negative declaration for another plan, policy, or program of lesser scope, or to a site-specific EIR or negative declaration.”

Further, Section 15152(d) of the CEQA Guidelines states:

“Where an EIR has been prepared and certified for a program, plan, policy, or ordinance consistent with the requirements of this section, any lead agency for a later project pursuant to or consistent with the program, plan, policy, or ordinance should limit the EIR or negative declaration on the later project to effects which:

- (1) Were not examined as significant effects on the environment in the prior EIR; or

(2) Are susceptible to substantial reduction or avoidance by the choice of specific revisions in the project, by the imposition of conditions, or other means.”

2. Incorporation By Reference

Incorporation by reference is a procedure for reducing the size of EIRs and is most appropriate for including long, descriptive, or technical materials that provide general background information, but do not contribute directly to the specific analysis of the project itself. This procedure is particularly useful when an EIR or Negative Declaration relies on a broadly-drafted EIR for its evaluation of cumulative impacts of related projects (*Las Virgenes Homeowners Federation v. County of Los Angeles* [1986, 177 Ca.3d 300]). If an EIR or Negative Declaration relies on information from a supporting study that is available to the public, the EIR or Negative Declaration cannot be deemed unsupported by evidence or analysis (*San Francisco Ecology Center v. City and County of San Francisco* [1975, 48 Ca.3d 584, 595]). This document incorporates by reference appropriate information from the “City of Calexico General Plan EIR”, prepared by Webb Associates in 2006.

When an EIR or Negative Declaration incorporates a document by reference, the incorporation must comply with Section 15150 of the CEQA Guidelines as follows:

- The incorporated document must be available to the public or be a matter of public record (CEQA Guidelines Section 15150[a]). The City of Calexico General Plan Update and EIR are available, along with this document, at the City of Calexico, 680 Heber Avenue, Calexico CA 92231, ph. (760) 768-2197.
- This document must be available for inspection by the public at an office of the lead agency (CEQA Guidelines Section 15150[b]). This document is available at the City of Calexico, 608 Heber Avenue, Calexico CA 92231, ph. (760) 768-2197.
- This document must summarize the portion of the document being incorporated by reference or briefly describe information that cannot be summarized. Furthermore, this document must describe the relationship between the incorporated information and the analysis in the tiered documents (CEQA Guidelines Section 15150[c]). As discussed above, the tiered EIRs address the entire project site and provides background and inventory information and data which apply to the project site. Incorporated information and/or data will be cited in the appropriate sections.
- This document must include the State identification number of the incorporated document (CEQA Guidelines Section 15150[d]).
- The material to be incorporated in this document will include general background information (CEQA Guidelines Section 15150[f]). This has been previously discussed in this document.

II. PROJECT DESCRIPTION

A. PROJECT LOCATION AND SETTING

The proposed sign ordinance update is to be implemented throughout the entire incorporated boundaries of the City of Callexico.

B. PROJECT DESCRIPTION

The Sign Ordinance Update proposes to incorporate more substantive requirements pertaining to the display of advertisement structures while protecting individuals and businesses first amendment rights to article XI chapter 17.01.1100 CMC "Signs-Advertising Structures". Graphic images may also be incorporated into the sign ordinance update for clarity.

Section 17.01.1102-Purpose. The purpose of this chapter is to establish a comprehensive system for the regulation of signs in the City of Callexico. Sign regulation is enacted to serve the interests of community aesthetics, vehicular and pedestrian safety, to protect and preserve property values, to improve the overall quality of life for persons living in, doing business in, or visiting the city. The provisions of this chapter are also intended to promote the public health, safety and general welfare of persons driving, parking, walking, residing, or conducting business within the city by reducing visual distractions to motorists, by making signs and more effective. It is the further purpose of this chapter to ensure that every use of property within the city receives adequate identification. This chapter shall supplement the provisions for signs and advertising displays as defined in this zoning ordinance for each of the city's zones.

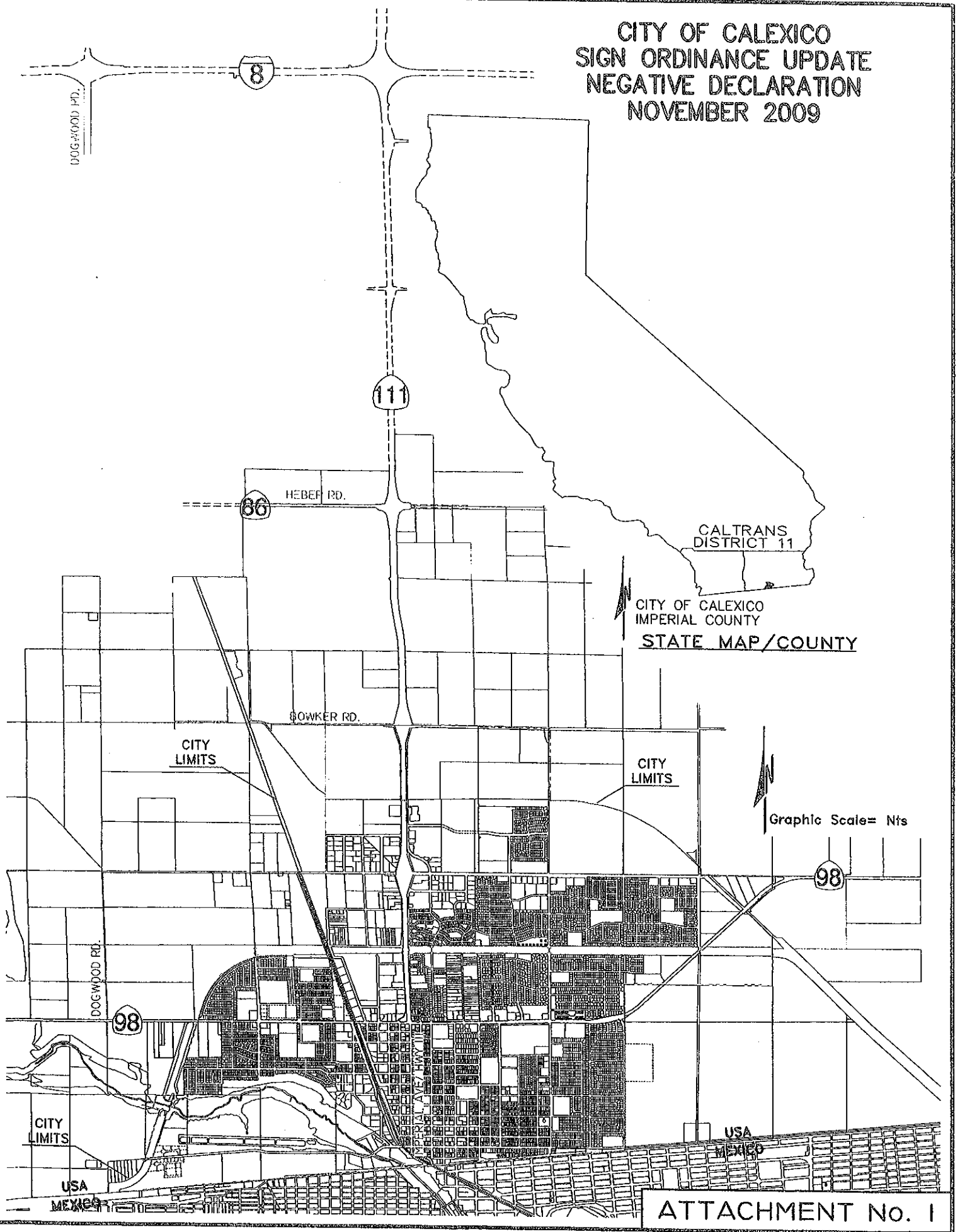
The regulations of this chapter are not intended to permit any violations of the provisions of any other lawful ordinance, or to prohibit the use of any sign required by any law superior to that of this ordinance.

By establishing the necessary design criteria, individual sign permit applications must adhere to the design standards established.

The update is not intended to limit creativity but rather allow flexibility in selecting signage elements and materials that meet the city's standards.

This Initial Study and Negative Declaration will be conducted in order to evaluate environmental impacts resulting with the proposed sign Ordinance Update and to ensure conformity with the Municipal Code. Physical development is not being proposed or analyzed in these environmental documents.

CITY OF CALEXICO
SIGN ORDINANCE UPDATE
NEGATIVE DECLARATION
NOVEMBER 2009



III. ENVIRONMENTAL CHECKLIST

A. BACKGROUND

1. **Project Title:** Sign Ordinance Update
2. **Lead Agency Name and Address:** City of Calexico, 608 Heber Avenue; Calexico CA 92231
3. **Contact Person and Phone Number:** Mark Vasquez, Associate Planner (760) 768-2497.
4. **Project Location:** The proposed sign ordinance update is to be implemented throughout the entire incorporated boundaries of the City of Calexico.
5. **Project Sponsor's Name and Address:** The City of Calexico; 608 Heber Avenue , Calexico, CA 92231
6. **General Plan Designation:** The incorporated boundaries of Calexico, respectively.
7. **Zoning:** N/A
8. **Description of Project:** The Sign Ordinance Update proposes to incorporate more substantive requirements pertaining to the display of advertisement structures while protecting individuals and businesses first amendment rights to article XI chapter 17.01.1100 CMC "Signs-Advertising Structures". Graphic images may also be incorporated into the sign ordinance update for clarity.

Section 17.01.1102-Purpose. The purpose of this chapter is to establish a comprehensive system for the regulation of signs in the City of Calexico. Sign regulation is enacted to serve the interests of community aesthetics, vehicular and pedestrian safety, to protect and preserve property values, to improve the overall quality of life for persons living in, doing business in, or visiting the city. The provisions of this chapter are also intended to promote the public health, safety and general welfare of persons driving, parking, walking, residing, or conducting business within the city by reducing visual distractions to motorists, by making signs and more effective. It is the further purpose of this chapter to ensure that every use of property within the city receives adequate identification. This chapter shall supplement the provisions for signs and advertising displays as defined in this zoning ordinance for each of the city's zones. The regulations of this chapter are not intended to permit any violations of the provisions of any other lawful ordinance, or to prohibit the use of any sign required by any law superior to that of this ordinance.

By establishing the necessary design criteria, individual sign permit applications must adhere to the design standards established.

The update is not intended to limit creativity but rather allow flexibility in selecting signage elements and materials that meet the city's standards.

This Initial Study and Negative Declaration will be conducted in order to evaluate environmental impacts resulting with the proposed sign Ordinance Update and to ensure conformity with the Municipal Code. Physical development is not being proposed or analyzed in these environmental documents.

9. **Other Public Agencies Whose Approval is Required:** N/A

B. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact," as indicated by the checklist on the following pages.

- | | | |
|--|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agricultural Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology / Soils |
| <input type="checkbox"/> Hazards & Hazardous | <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use / Planning |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation / Traffic |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance | |

C. DETERMINATION:

On the basis of this initial evaluation:

- ☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Mark Vasquez
Associate Planner

Date

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
I. AESTHETICS. Would the proposal:				
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				X
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?				X
II. AGRICULTURE RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				X
III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?				X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X	
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?			X	
d) Expose sensitive receptors to substantial pollutant concentrations?			X	
e) Create objectionable odors affecting a substantial number of people?				X

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
IV. BIOLOGICAL RESOURCES. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?				X
V. CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?				X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d) Disturb any human remains, including those interred outside of formal cemeteries?				X
VI. GEOLOGY AND SOILS. Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning map, issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii) Strong seismic ground shaking?				X
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?				X
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X
VII. HAZARDS AND HAZARDOUS MATERIALS: Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?				X
b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X
VIII. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements?				X
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge, such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				X
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?				X
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				X
f) Otherwise substantially degrade water quality?				X
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood hazard Boundary of Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place within 100-year flood hazard area structures, which would impede or redirect flood flows?				X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j) Inundation by seiche, tsunami, or mudflow?				X

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
IX. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X
X. MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be a value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X
XI. NOISE. Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				X
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X
XII. POPULATION AND HOUSING. Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X
XIII. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?				
a) Fire protection?				X
b) Police protection?				X
c) Schools?				X
d) Parks?				X
e) Other public facilities?				X
XIV. RECREATION				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities, such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?				X
XV. TRANSPORTATION/TRAFFIC. Would the project:				
a) Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?				X
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
e) Result in inadequate emergency access?				X
f) Result in inadequate parking capacity?				X
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X
XVI. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
d) Have sufficient water supplies available to serve the project from existing entitlements and resources or are new or expanded entitlements needed?				X
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g) Comply with federal, state, and local statutes and regulations related to solid waste?				X
V. MANDATORY FINDINGS OF SIGNIFICANCE				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)				X
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?				X

VI. PERSONS AND ORGANIZATIONS CONSULTED

This section identifies those persons who prepared or contributed to preparation of this document. This section is prepared in accordance with Section 15129 of the CEQA Guidelines.

A. CITY OF CALEXICO

- Armando G. Villa, Director of Planning & Community Development.
- Oliver M. Alvarado, Planning Manager
- Mark Vasquez, Associate Planner

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALEXICO REPEALING CHAPTER 15.28 AND CHAPTER 15.30 OF TITLE 15, AND CHAPTER 12.14 OF TITLE 12 IN THEIR ENTIRETY; REPEALING SECTION 5.56.090 OF CHAPTER 5.56 AND SECTION 5.20.190 OF CHAPTER 5.20 OF TITLE 5 OF THE CALEXICO MUNICIPAL CODE; REPEALING ARTICLE XI OF CHAPTER 17.01, SECTIONS 17.01.1100 AND 17.01.1110, AND ADDING A NEW ARTICLE XI, OF CHAPTER 17.01 SECTIONS 17.01.1100 TO 17.01.1123 TO THE CALEXICO MUNICIPAL CODE (ZONING ORDINANCE TEXT AMENDMENT NO. 2009-02) PERTAINING TO SIGNS.

WHEREAS, The City Council wishes to repeal Chapter 15.28 and Chapter 15.30 of Title 15, and Chapter 12.14 of Title 12 in their entirety; repealing Section 5.56.090 of Chapter 5.56 and Section 5.20.190 of Chapter 5.20 of Title 5 of the Calexico Municipal Code; repealing Article XI of Chapter 17.01, Sections 17.01.1100 and 17.01.1110, and adding a new Article XI, of Chapter 17.01 Sections 17.01.1100 to 17.01.1123 to the Calexico Municipal Code; and

WHEREAS, a public hearing was held on Zoning Ordinance Text Amendment No. 2009-02, on March 2, 2010 in the Council Chambers, 608 Heber Avenue, Calexico, California; and

WHEREAS, public hearing was advertised according to law; and

WHEREAS, no one was present to object to the petition nor were any objections filed with the Commission; and

WHEREAS, proposed amendment is in conformity with the General Plan, map and text, and other development policies of the City; and

WHEREAS, proposed amendment is appropriate for the property or properties which will be affected by such action, with consideration given to access, size of parcel(s), relationship to similar or related uses and other considerations deemed relevant by the Commission; and

WHEREAS, proposed amendment is necessary and proper at this time, and is not likely to be detrimental to property or residents affected by such action; and

WHEREAS, proposed amendment would not have a significant deleterious effect on the environment; and

WHEREAS, Negative Declaration No. 2009-03 was prepared and considered for the proposal pursuant to the C.E.Q.A. Guidelines, as amended and

WHEREAS, proposed amendment does not have the potential to have a significant environmental effect; and

WHEREAS, proposed amendment could not adversely affect the general health, safety

and welfare of the community.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CALEXICO HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Chapter 15.28 Signs and 15.30 Uniform Sign Code is hereby repealed in its entirety. *(Please note that strikethrough represent areas of the Municipal Code requested to be repealed by this ordinance)*

SIGNS

~~15.28.010 Specifications.~~

~~It is unlawful for any person, firm or corporation to construct or maintain any sign in the city unless such sign conforms to the following specifications:~~

- ~~A. Generally. A wooden or metal sign not more than three feet in width with a black, blue, gold, silver or white background and carrying in white, blue, silver or gold letters the name of any person, firm or corporation and his or its business only, consisting of not more than two straight lines, may be bolted horizontally and securely to the front or arcade of the building.~~
- ~~B. Standard Chain Store Signs. Any person, firm or corporation operating stores in other cities and the city of Calexico, for which stores said persons, firms or corporations have adopted a uniform standard of sign, or a uniform color scheme for such signs, or a sign embracing a trademark uniformly used as stated in this subsection, may erect such standard sign. Said sign shall, however, be of wood or metal not more than three feet in width and bolted securely and horizontally to said building as stated in subsection A of this section.~~
- ~~C. Projection from Building or Arcade. No part of any sign referred to in this section shall project more than six inches beyond the wall of any building or arcade.~~
- ~~D. Illumination. Such signs may be illuminated or not.~~
- ~~E. Height. The lower edge of such signs shall be one foot above the bottom edge of the arcade or second story wall. (Prior code §§ 7532, 7532.1)~~

~~15.28.020 Restrictions on painted signs.~~

~~It is unlawful for any person, firm or corporation to place, maintain or cause to be placed or maintained any painted sign on the arcade of any building, or upon any part or portion of a building projecting over the sidewalk, unless such painted sign is limited to the name of the business and to not more than two words indicating or descriptive of the type of such business. (Prior code § 7531)~~

~~15.28.030 Vertical electrical signs Projection restrictions.~~

~~Vertical electrical signs may be fastened to buildings or arcades, provided:~~

- ~~A. When over the sidewalk, that no point of the same shall come within ten feet of the sidewalk elevation; _____ and~~

~~B. When over the street, that they shall not project more than forty-eight inches from the building or column at any point, and that no point shall come within ten feet of the elevation of the street. (Prior code § 7532.2)~~

~~15.28.040 Horizontal electrical signs--Projection restrictions--Conformance required.~~

~~Horizontal electrical signs may be placed, erected or constructed from the outer wall of any building, across the sidewalk, or extend over any public street or way, provided they conform in every particular to the provisions set out in Sections 15.28.050 through 15.28.110. (Prior code § 7231)~~

~~15.28.050 Horizontal electrical signs--Permit--Required.~~

~~No horizontal electrical sign of any kind shall be placed, erected or constructed until a permit is issued for the same by the building inspector. (Prior code § 7232)~~

~~15.28.060 Horizontal electrical signs--Permit--Diagram or sketch.~~

~~Before issuing any permit for any horizontal electrical sign, there shall be filed with the building inspector a diagram or sketch of the proposed sign, showing the dimensions thereof, the weight thereof, and the character and size of the fastenings by which said sign is to be secured from the building from which it is to be suspended or projected. (Prior code § 7233)~~

~~15.28.070 Horizontal electrical signs--Permit--Specifications.~~

~~Permits issued by the building inspector for horizontal electrical signs shall contain a brief description of the proposed sign, the number and size of the fastenings and the quality and kind of material to be used for the fastenings, which shall be specified by him to be used. (Prior code § 7234)~~

~~15.28.080 Horizontal electrical signs--Projection restrictions--Height and centering.~~

~~No horizontal electrical sign shall be placed, erected or suspended across any sidewalk so that the lower edge thereof is less than ten feet above the level of said sidewalk, and such electrical sign must be placed so that the centerline of the sign is at the centerline of the arcade ceiling. (Prior code § 7235)~~

~~15.28.090 Horizontal electrical signs--Projection restrictions--One story buildings.~~

~~A. Extending over Street. No horizontal electrical sign shall be placed, erected or suspended from any building in the city so as to extend over or across any public street, alley or way, except that a horizontal electrical sign may be placed, erected or suspended from any one-story building located on any paved street in the city.~~

~~B. Maximum Projection over Street. Any such horizontal electrical sign shall not extend more than six feet over such public street from a wall from which the sign is suspended.~~

~~C. Height above Street. The lowest portion of any such horizontal electrical sign shall not be less than fourteen feet above the level of the public street from which such sign is placed, erected or suspended. (Prior code §§ 7236, 7236.1)~~

~~15.28.100 Horizontal electrical signs--Projection restrictions--Two-story buildings.~~

~~A. Placement Permitted. A horizontal electrical sign may be placed, erected or suspended from~~

~~any two story building located on any paved street in the city.~~

~~B. Maximum Projection over Street. Any such horizontal electrical sign shall not extend more than twelve feet over such public street from the wall from which the sign is suspended.~~

~~C. Height above Street. The lowest portion of any such horizontal electrical sign shall not be less than fourteen feet above the level of the public street over which the sign is placed, erected or suspended. (Prior code § 7236.2)~~

~~15.28.110 Horizontal electrical signs—Fastening restrictions.~~

~~No horizontal electrical sign shall be placed, erected or suspended within the city unless the same is firmly and securely fastened to the building upon which the sign is placed or from which it is suspended by means of galvanized metal strips or metal cables of the quality and size specified by the building inspector, and unless there are sufficient of these strips or cables, which number shall be specified by the building inspector, to ensure the safety and firmness of the sign. (Prior code § 7237)~~

~~15.28.120 Electrical signs—Permit fee.~~

~~The building inspector shall collect a fee based on the valuation of the sign and each permit issued for the erection of any electrical sign. The fees based on valuation are to be calculated as per the Uniform Administrative Code and the Fees Table contained therein. (Ord. 806 § 1, 1981; prior code §§ 7238, 7533)~~

~~Chapter 15.30—UNIFORM SIGN CODE~~

~~15.30.010 Adopted.~~

~~A certain document, a copy of which is on file in the office of the city clerk, being marked and designated as Uniform Sign Code, 1997 Edition, published by the International Conference of Building Officials, is adopted. (Ord. 981 § 1 (part), 1999; Ord. 958 § 1 (part), 1996; Ord. 787 § 1, 1980)~~

SECTION 2. Chapter 12.14, Temporary Signs, is hereby repealed in its entirety.

~~12.14.010 Definition.~~

~~A "temporary sign" is any sign, handbill, or poster which is placed to advertise or announce a specific event, or which pertains to a particular event or occurrence, or which is not designed or intended to be placed permanently. Examples of temporary signs include, but are not limited to, signs, handbills or posters relating to garage sales, political candidates or ballot measures, concerts, "swap meets" and the like. (Ord. 881 § 1 (part), 1986)~~

~~12.14.020 Legislative findings.~~

~~The _____ City _____ Council _____ finds _____ as _____ follows:~~

~~A. Aside from this chapter, temporary signs are not regulated by this title, and are, therefore, not subject to design review or approval as to their size, shape, color, design or placement. The~~

~~lack of regulation of temporary signs has in the past led to visual clutter within the community and aesthetic blight. At times, temporary signs pose traffic safety hazards.~~

~~B. Public property including, but not limited to, parks, streets, alleys, parkways, public rights-of-way and facilities located within the public rights of way, such as utility poles, benches, hydrants, bridges, sidewalks and similar structures are not by tradition or designation a forum for communication by the general public, and the council wishes to preserve this property and these structures for their intended purposes, which is the safe, efficient and pleasant movement of vehicular and pedestrian traffic and operation of utility systems.~~

~~C. The regulations and prohibitions specified in this section are necessary to preserve the public rights-of-way and the items located within for their intended purposes, and to prevent the visual clutter, blight, and traffic safety hazards caused by temporary signs therein. (Ord. 881 § 1 (part), 1986)~~

~~12.14.030 Posting prohibited.~~

~~No person shall paint, mark or write on, or post or otherwise affix, or erect, construct, maintain, paste, nail, tack or otherwise fasten or affix, any temporary sign on any public property, street, alley, parkway, public right of way, sidewalk, crosswalk, curb, street lamp post, pole, bench, hydrant, tree, shrub, bridge, electric light of power or telephone wire pole, or wire appurtenance thereof, or upon any street sign or traffic sign, or upon any other object located within the public right of way which is not maintained for the purpose of communications by temporary signs by the general public. (Ord. 881 § 1 (part), 1986)~~

~~12.14.040 Exceptions.~~

~~This section shall not prevent a public officer or employee from posting notices as required by law, such as notices of street abandonment or notices of proposed assessment district proceedings, as required by the Streets and Highways Code, or other statutory authority. This section shall also not prevent the City Council from issuing an encroachment permit for the erection of banners pertaining to noncommercial and nonpolitical community events, such as parades, fairs, and community celebrations. This section shall also not pertain to structures located within the right of way which by tradition or designation are used for the purpose of communication by the general public. Such structures shall include kiosks, bulletin boards, benches upon which advertisement is authorized, newspaper racks, and billboards as authorized by this code. (Ord. 881 § 1 (part), 1986)~~

~~12.14.050 Sight distance.~~

~~No temporary sign erected on private property shall be erected or placed at the intersection of any street or within the segment created by drawing an imaginary line between points fifty feet back from where the curb lines of the intersection quadrant intersect. (Ord. 881 § 1 (part), 1986)~~

~~12.14.060 Removal.~~

~~A. Temporary signs not prohibited by this section shall be removed within seven calendar days after the event to which they related occurs.~~

~~B. Any temporary sign posted or otherwise affixed in violation of this section may be removed by~~

~~officers of the police, building inspection or public works departments or by the code enforcement officer. Signs removed by city employees shall be taken to the city shop. The employee removing the sign shall immediately attempt to notify the owner of the sign, if such can be ascertained. In cases where a sign contains the name of a printing firm or political candidate, the department shall also immediately attempt to notify such firm or candidate of the fact of removal, the location of the sign, and the procedure for retrieving the sign. (Ord. 881 § 1 (part), 1986)~~

~~12.14.070 Retrieval of signs.~~

~~Any person desiring to retrieve a sign removed by the city may do so upon the payment of an administrative fine of two and no/100ths dollars for each sign smaller than nine square feet total, and an administrative fine of ten and no/100ths dollars for each larger sign. In lieu of paying such administrative fine, such person may retrieve a sign upon signing a promise to appear upon a citation issued to him or her for violation of this section. If a person wishes to contest the fact that a sign was placed in violation of this section prior to paying the fine or signing the citation, he or she shall have the right to an administrative hearing before the Director of public works. If the Director finds that the sign was lawfully posted, he shall return the sign without an administrative penalty or the issuance of a citation. (Ord. 881 § 1 (part), 1986)~~

~~12.14.080 Destruction of signs.~~

~~Any temporary sign removed by the city may be considered abandoned if it is not retrieved within fifteen days after the date of such removal, and may be disposed of by the city without liability therefor to any person. (Ord. 881 § 1 (part), 1986)~~

SECTION 3. Section 5.20.190, advertising by Electric Signs of Chapter 5.20, License Rates, is hereby repealed.

~~5.20.190 Advertising by electric signs.~~

~~A. For every person, firm or corporation conducting, carrying on or engaged in the business of advertising by means of electric signs, the sum of one and one-half cents per quarter shall be charged for each square foot on the front surface area of all such electric signs so operated or maintained at the time of filing the verified statement provided for in subsection _____ B _____ of _____ this _____ section.~~

~~B. Application Statement. Before receiving a license for such business, the application therefor must be filed with the city clerk containing a statement made and sworn to by the applicant, showing in detail the number of such electric signs so operated or maintained by the applicant at the time of such application, and the location and front surface of each such sign. (Ord. 680 § 2 (part), 1975; Ord. 493 § 2 (part), 1957; prior code §§ 2226 and 2226.1)~~

SECTION 4. Section 5.56.090, Permission Required for Erection, of Chapter 5.56, Handbills and Signs, is hereby repealed.

~~5.56.090 Permission required for erection.~~

~~It is unlawful for any person, firm or corporation to erect or maintain any billboards or advertising signs along any of the streets or alleys of the city, or upon any lot or premises in the city, without first having obtained written permission from the owner or person in possession of said lot or premises. In addition thereto, he must obtain permission from the majority of the members of the council sitting as a council at a regular or legally called special meeting of the City Council. (Ord. 626 § 1 (part), 1968; prior code § 4021)~~

SECTION 5. Article XI, Signs of Chapter 17.01, General Provisions, of Title 17, Zoning, consisting of Sections 17.01.1100 and 17.01.1110 is hereby repealed and Article XI, Signs of Chapter 17.01, General Provisions, of Title 17, Zoning, consisting of Sections 17.01.1100 to 17.01.1123, is hereby added to read as follows:

~~17.01.1100 Advertisement restrictions.~~

~~In commercial zones and industrial zones, the advertisement contained on any sign shall pertain to only the business, industry or pursuit conducted on or within the premises on which the sign is erected or maintained. (Ord. 606 § 2 (part), 1966; prior code § 8181)~~

~~17.01.1110 Signs requiring conditional use permits.~~

~~All signs other than those designated in Section 17.01.1100 shall be by conditional use permit only except signs advertising property for sale in residential zones. In the case of signs advertising property for sale in residential zones, such signs shall not exceed sixteen square feet of display area. (Ord. 648 § 1, 1970; Ord. 606 § 2 (part), 1966; prior code § 8182)~~

Section 17.01.1100 - Title. This chapter shall be known as the Sign Ordinance.

Section 17.01.1101 - Regulatory Scope. This chapter regulates signs, as defined herein that are located on private property (not including public rights-of-way), or on property owned by public entities other than the City of Calexico, and over which the city holds land use regulatory authority, when such property is located within the corporate limits of the City of Calexico. The policies for private party use of owned property and public rights-of-way for sign purposes are stated in a separate policy statement or resolution adopted by the City Council from time to time.

Section 17.01.1102 – Purpose. The purpose of this chapter is to establish a comprehensive system for the regulation of signs in the City of Calexico. Sign regulation is enacted to serve the interests of community aesthetics, vehicular and pedestrian safety, to protect and preserve property values, to improve the visual environment of the city so as to promote commerce, investment, tourism, and visitation, and the overall quality of life for persons living in, doing business in, or visiting the city. The provisions of this chapter are also intended to promote the public health, safety and general welfare of persons driving, parking, walking, residing, or conducting business within the city by reducing visual distractions to motorists, by making signs and advertising displays more attractive, aesthetically pleasing, and more effective. It is the further purpose of this chapter to ensure that every use of property within the city receives adequate identification. This chapter shall supplement the provisions for signs and advertising displays as defined in this zoning ordinance for each of the city's zones.

The regulations of this chapter are not intended to permit any violations of the provisions of any other lawful ordinance, or to prohibit the use of any sign required by any law superior to that of this ordinance.

Section 17.01.1103 – Basic Policies. The policies and provisions of this section shall apply to all signs regulated by this chapter.

- A. **Message Neutrality.** Consistent with both the federal and state constitutions, it is the city's policy to regulate signs in a manner that is content neutral as to noncommercial signs and viewpoint neutral as to commercial signs.
- B. **Regulatory Interpretations.** All regulatory interpretations of this chapter are to be exercised in light of the city's message neutrality policy. Where a particular type of sign is proposed in a permit application, and the type is neither expressly allowed nor prohibited by this chapter, or whenever a sign does not qualify as a "structure" as defined in Chapter 17.01.900, then the Director shall approve, conditionally approve, or disapprove the application based on the most similar sign type that is expressly regulated by this chapter. Architectural compatibility shall be analyzed without consideration of the message to be displayed on a sign, other than the distinction between on-site and off-site commercial messages.
- C. **Discretionary Approvals.** Whenever a sign or proposed sign is subject to any discretionary approval process, including but not limited to, variance, conditional use permit, or special use permit, then no consideration will be given to sign copy or message to be displayed, other than a determination as to whether the message will constitute off-site commercial copy. This principle applies equally at all levels of approval, from the Director to the City Council.
- D. **Message Substitution Policy.** Subject to a property owner's consent, a noncommercial message of any type may be substituted for any duly permitted or allowed commercial message or any duly permitted or allowed noncommercial message, provided that the sign structure or mounting device is legal, without consideration of message content. Such substitution of message may be made without any additional approval or permitting. This provision prevails over any more specific provision to the contrary within this chapter. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. This provision does not create a right to increase the total amount of signage on a parcel or land use, nor does it affect the requirement that a sign structure or mounting device be properly permitted.
- E. **Non-communicative Aspects of Signs.** All rules and regulations concerning the non-communicative aspects of signs, such as location, size, height, illumination, spacing, orientation, and so forth, stand enforceable independently of any permit or approval process.
- F. **Billboard Policy.** ~~It is a fundamental land use policy of the City of Calexico to prohibit the construction, erection or use of any billboards, as defined in this Section other than those that legally exist in the city, or for which a valid permit has been issued and has not expired as of the date on which this provision is first adopted. The city adopts this policy pursuant to California Government Code Section 65850, California Business and Professions Code Sections 5354(a) and 5408.3 (both effective January 1, 2003). No permit shall be issued for any billboard that violates this policy, and the construction or maintenance of any billboard in violation of this subsection is declared a nuisance and~~

~~the city may take immediate steps to abate any nuisance created by any billboard constructed or maintained in violation of this policy. The city council affirmatively declares that it would have adopted this subsection even if it were the only provision in this chapter.~~ It shall be the policy of the City of Calexico to regulate the placement of "Billboards" by requiring consideration of such signs via the Conditional Use Permit (CUP) process pursuant to applicable provisions of the Zoning Code. The following requirements shall be met:

1. The location shall be zoned Commercial or Industrial;
2. There must be a business activity within 1,000 feet of the proposed sign;
3. No sign shall be permitted within $\frac{1}{4}$ mile radius of another legally permitted Billboard;
4. No sign shall be permitted within 300' distance from another legally permitted on site freestanding/freeway sign;
5. Other considerations regarding compatibility of placement as required by the CUP process;
6. *No sign shall be permitted on Parcels of land less than 2 acres in size;*
7. *The city adopts this policy pursuant to California Government Code Section 65850, California Business and Professions Code Sections 5354(a) and 5408.3 (both effective January 1, 2003).*

(Italics means language added per Planning Commission direction 6/28/10)

~~The city council intends for this subsection to be severable and separately enforceable, even if other provisions of this chapter may be declared, by a court of competent jurisdiction, to be unconstitutional, invalid or unenforceable. This subsection does not prohibit agreements to relocate presently existing, legal billboards, as encouraged by California Business and Professions Code Section 5412. (Proposed based on City Council direction on March 2, 2010 and Planning Commission direction on June 28, 2010.)~~

- G. Multiple Use Zones. In any zone where both residential and nonresidential uses are allowed, the signage rights and responsibilities applicable to any particular use shall be determined as follows: residential uses shall be treated as if they were located in a residential zone, and nonresidential uses shall be treated as if they were located in a zone where that particular use would be allowed, either as a matter of right or subject to a conditional use permit or similar discretionary process.
- H. Property Owner's Consent. No sign may be displayed on real or personal property without the consent of the legal owner of the property on which the sign is mounted or displayed. For purposes of this subsection, "owner" means the holder of legal title to the property and all parties and persons holding a present right of possession, control, or use of the property.
- I. Projection over Public Right-of-Way. No sign may project over the public right-of-way unless such projection is specifically authorized by this chapter or by a policy statement or resolution, adopted by the City Council, authorizing such projection.
- J. Legal Nature of Signage Rights and Duties. As to all permanent signs attached to property, real or personal, the signage rights, duties and obligations arising from this chapter attach to and travel with the land or other property on which a sign is mounted or

displayed. This subsection does not modify or affect the law of fixtures, or sign-related provisions in private leases regarding signs (so long as they are not in conflict with this chapter).

- K. Compliance with Safety Codes. In addition to the requirements of this chapter, all signs displayed in the city must comply with the provisions of Title 15, regulating building and construction in the city.
- L. Compliance with Other Laws. All signs displayed in the city must comply with the requirements of this chapter and the requirements of all other applicable laws.
- M. Permit Requirement. It is illegal to display any sign within the city without a sign permit as required in Section 17.01.1105, unless the particular sign is expressly exempted from the permit requirement by any provision of this chapter.
- N. Right to Permit. When a given sign is subject to the permit requirement of subsection M of this section, or Section 17.01.1105, and the applicant satisfies all of the requirements of this chapter and all other applicable law, the permit shall be issued upon the terms and conditions stated in this chapter and such other applicable laws.
- O. Right to Sign. When a sign is not subject to a permit requirement, and fully conforms with all the provisions of this chapter and all other applicable laws, the sign may be displayed as a matter of right.
- P. Severance. If any section, sentence, clause, phrase, word, portion, or provision of this chapter is held invalid, unconstitutional or unenforceable, by any court of competent jurisdiction, such holding shall not affect, impair, or invalidate any other section, sentence, clause, phrase, word, portion, or provision in this chapter that can be given effect without the invalid portion. In adopting this chapter the City Council affirmatively declares that it would have approved and adopted the chapter even without any portion that may be held invalid or unenforceable.

Section 17.01.1104 - Definitions.

For the purpose of this chapter, certain terms used herein are defined as follows:

- A. "Balloon" means an inflatable bag or other inflatable device of any size;
- B. "Billboard" means a permanent structure sign with a display face exceeding thirty-two square feet that is used to display off-site commercial messages.
- C. "Building Frontage" means the lineal extent of a building or unit along either a street or a public parking area serving the business, not including loading or service areas;
- D. "Business Identification Sign" means any sign erected or maintained for the purpose of identifying a bona fide business being conducted upon the premises on which the sign is located;
- E. "Center Identification Sign" means a freestanding sign structure containing the name identifying an integrated business development and may also include identification signs on which the names and nature of business only within the development are uniformly displayed;
- F. "Commercial development" means one or more nonresidential or non-institutional types of use engaged in commerce on a parcel or on adjacent parcels of land which are planned, developed, or managed as a unit.

- G. "CMC" means the City of Calexico Municipal Code as amended from time to time.
- H. "Commercial Sign" means any sign excluding non-commercial signs.
- I. "Director" means the Director of Community Development Department.
- J. "Double-face Sign" means a single sign with two (2) parallel sign faces back-to-back;
- K. "Electronic message display" is a sign with either a fixed or changeable display which may be changed by electronic processes or remote control, which may include words and/or pictures and composed of a series of lights, light emitting diodes (LEDs) or liquid crystal displays (LCDs) or functionally similar signs.
- L. "Freestanding Sign" means any permanent sign not attached to a building;
- M. "Freeway" means a highway with respect to which the owners of abutting lands have no right of easement or access to or from their abutting lands, or in respect to which such owners have only limited or restricted easement or access and which is declared to be such in compliance with the Streets and Highway Code of the State; "Highway" includes roads, streets, boulevards, lanes, courts, places, commons,. Trails, ways or other rights-of-way or easements used for or laid out and intended for the public passage of vehicles or of vehicles and persons.
- N. "Integrated Development" means a development consisting of five (5) or more interrelated business establishments, in separate units, using common driveways and on-site parking facilities;
- O. "Interstate highway" means any highway at any time officially designated as a part of the national system of interstate and defense highways by the Director and approved by appropriate authority of the federal government.
- P. "Monument Sign" means a low profile sign, not exceeding six feet (6') in height, supported by a solid pedestal extending under the entire length of the sign;
- Q. "Non-commercial Sign" means any sign, including political signs, not advertising a business, services offered or rendered, goods produced, sold, or available for sale, whether on or off-site;
- R. "Off-site Sign" means any sign, including billboards, which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than on the premises, and only incidentally on the premises if at all. All non-commercial signs are considered on-site signs; the definition and rules for off-site signs apply only to commercial speech on signs.
- S. "On-site Sign" means any structure, housing, sign, device, figure, statuary, painting, display, message placard, or other contrivance, or any part thereof, that has been designed, constructed, created, intended, or engineered to have a useful life of 15 years or more, and intended or used to advertise, or to provide data or information in the nature of advertising, for any of the following purposes:
 - 1. To designate, identify, or indicate the name or business of the owner or occupant of the premises upon which the advertising display is located.
 - 2. To advertise the business conducted, services available or rendered, or the goods produced, sold, or available for sale, upon the property where the advertising display has been lawfully erected.
- T. "Permanent Reader Panel" means a permanently constructed changeable copy bulletin

board lighted or unlighted with detachable precut letters and figures;

- U. "Non-Commercial Campaigning Sign" means a sign relating to a forthcoming public election or referendum indicating the name and/or picture of an individual seeking election to a public office, or a sign pertaining to issues, or a sign pertaining to the advocacy by persons, groups, or parties of political views or policies;
- V. "Portable Sign" means any movable external sign that is not permanently secured or attached to an approved permanently established structure, support or anchor;
- W. "Projecting Sign" means any sign which is affixed or attached to, and is supported solely by a building wall or structure, or parts thereof, and extends beyond building wall, or structure or parts thereof more than twelve inches (12") and whose angle of incidence to said building wall, structure or parts thereof, is greater than thirty (30) degrees;
- X. "Primary highway" means any highway, other than an interstate highway, designated as a part of the federal-aid primary system in existence on June 1, 1991, and any highway that is not in that system but which is in the National Highway System.
- Y. "Roofline" means the height above the eaves line on sloped roofs, and above the roof covering on flat roofs except parapet walls;
- Z. "Roof Sign" is any sign erected, constructed and maintained wholly or partially above the roofline;
- AA. "Sign" means and includes every announcement, declaration, demonstration, display, illumination, insignia, surface or space when erected or maintained in view of the general public for identification, advertisement or promotion of the interests of any business or person;
- BB. "Sign Area" means the entire area within the outside border of the sign. The area of a sign having no continuous border or lacking a border shall mean the entire area within a single continuous perimeter formed by no more than eight (8) straight lines enclosing the extreme limits of writing, representations, emblem, or any fixture or similar character, integral part of the display or used as a border excluding the necessary supports or uprights on which such sign is placed. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back-to-back and are at no point more than three feet (3') from one another, the area of the sign shall be taken as the area of one (1) face if the two (2) faces of equal area, or as the area of the larger face if the two (2) faces are of unequal area;
- CC. "Sign Value" means the current cost of construction of the sign, as reasonably estimated by the Director, assuming the sign meets the standards established by International Conference of Building Officials and as adopted periodically by the City Council.
- DD. "Street Frontage" means the lineal extent of a parcel of land along a street;
- EE. "Temporary Sign" means any sign constructed of or painted on, cloth, canvas, light fabric, cardboard, wallboard, plastic, or other light material;
- FF. "Wall Sign" includes all flat signs, either of solid face construction or individual letters, which are placed against the exterior wall of any building or structure and extending not more than one foot (1') from the face of the building and having the advertisement on one (1) face only.

Section 17.01.1105 - Permit Required. A sign permit shall be required to be obtained from the Planning Division for new signs and/or change of face or copy on existing signs. A building

permit and electrical permit (a grading, fire and mechanical, plumbing permit requirement may also be triggered per the discretion of the Director) shall be required from the Building Division prior to the placing, erecting, moving, reconstructing, altering, or displaying of any exterior signs unless exempted by Section 17.01.1108, and not including merely refurbishing (i.e., repainting, etc.) existing signs.

Section 17.01.1106 - Procedure.

- A. Application for Sign Permit and Approval shall be made upon forms provided by the Community Development Department, Planning and Building & Safety Divisions and shall include the following information and materials:
1. Three (3) copies of plan showing:
 - a. Site Plan illustrating general location of and placement of the proposed sign in relation to driveways, property lines and buildings;
 - b. Position of sign or other advertising structure in relation to adjacent buildings or structures. If a freestanding sign is proposed, illustrate the location in relation to lot lay-out;
 - c. The design, color, materials used and size of all proposed signs. For freestanding signs, dimension and description of materials supporting sign. Structural details shall be required for all freestanding signs in excess of three (3') feet with calculations and specifications signed by a registered professional engineer;
 - d. A current photograph(s) showing existing signs on the premises and adjacent property, and certifying the date on which the photographs were taken;
 - e. A statement showing the size and dimensions of all signs existing on the premises at the time of making such applications;
 - f. Applicant's statement as to whether the sign will display onsite or offsite commercial and/or noncommercial messages.
- B. Fees. Every applicant, before the granting of a Sign Permit, shall pay to the Planning & Building & Safety Divisions the permit fees as established by resolution for each sign or other advertising structure regulated by this chapter.
- C. Issuance of Permits. It shall be the duty of the Planning and Building & Safety Divisions, upon the filing of an application for a sign permit, to examine such plans and specifications and other data and the premises upon which it is proposed to erect the sign or advertising structure; and if it shall appear that the proposed structure is in compliance with all the requirements of this chapter and all other adopted laws, guidelines and ordinances of the City, they shall then issue the sign permit except as otherwise provided in this chapter.
1. Planning & Building & Safety Divisions must make a determination about whether the application should be granted or denied within 30 days of the application being submitted to the Departments. Failure to reach a decision within 30 days will result in the application being deemed approved.
 2. Within 10 calendar days from the day the City denied an application to construct or modify a sign, the applicant may file an appeal, in writing, and attach all evidence or documents the applicant believes to be relevant to the appeal. The appeal and supporting documents must be filed with the Office of the City Manager. The appeal

will be reviewed by the City Manager or his or her designee, and shall be decided within 30 days after the City of Calexico has received the appeal. The City Manager or designee may, in the exercise of his or her discretion, allow the applicant to present testimony orally in addition to the written appeal documents required by this section.

- D. Revocation of Permit. The Director is authorized and empowered to revoke any permit upon failure of the holder thereof to comply with any provision of this chapter, with written statement for reasons of revocation.
- E. Failure to Obtain Permit. Failure to acquire a permit before commencing work shall trigger issuance of a citation pursuant to Section 1.27 of this Code and a double permit fee assessment. Nothing in this section restricts the City from seeking any other legal remedy for violations of this Chapter.

Section 17.01.1107 - Stop Orders. The issuance of a sign permit shall not constitute a waiver of this section or any ordinance of the City, and the Building & Safety Division is authorized to stop any sign or advertising structure installation which is being carried on in violation of this Chapter, or of any other ordinance of the City.

Recipient of a Stop Order may contest that there was a violation of this chapter by completing a request for a hearing form and returning it to the city within 15 days from the issuance of the Stop Order.

Section 17.01.1108 - Exemptions.

The following non-illuminated signs shall be permitted in all districts with no permit required, subject to the limitations provided in this chapter, or as otherwise provided by state law:

- A. One (1) double-faced or two (2) single-faced real estate signs per street frontage not exceeding six feet (6') in area nor six feet (6) in height pertaining to the sale or rental of the property on which displayed, provided that such signs shall be removed at the time the property is sold or rented;

On vacant parcels larger than 10,000 square feet in area, one (1) double-faced real estate sign per street frontage not exceeding thirty-two (32) square feet in area may be placed in lieu of the smaller sign, provided that it shall be a minimum of fifteen-feet (15) from any street right-of-way or driveway and shall not exceed ten feet (10) in height;
- B. One (1) professional nameplate or occupational sign denoting only the name and occupation of an occupant in a commercial building or public institutional building, provided that said sign does not exceed two (2) square feet in area and is attached to and mounted parallel to the face of the building not exceeding one inch (1) from the wall;
- C. One (1) nameplate, denoting only the name of occupants of a dwelling, and not exceeding two (2) square feet in area not located closer than two feet (2) to the property line;
- D. Municipal signs, railroad crossing or danger signs, official notices issued by any court or public body or officer, notices posted by any public officer in performance of a public duty or by any person in giving any legal notice, directional warning or information signs or structures required by or authorized by law or by federal, state or county authority, a sign erected near a city or county boundary that contains the name of that city or county and the names of, or any other information regarding, civic, fraternal, or religious organizations located within that city or county. These items are not considered "signs" under state law.

- E. Non-advertising warning signs or trespassing signs on private property posted no closer than one-hundred feet (100) apart not exceeding three feet (3') in area;
- F. Non-advertising signs of public utility companies as may be required in their operations in providing services for the health and welfare of the general public, or as required by any law or regulations of the state or any agency thereof;
- G. One (1) sign per street frontage identifying the development and denoting the architect, engineer or contractor when placed upon work under construction; provided, however, that no such sign shall exceed thirty-two (32) square feet in area nor eight (8) feet in height;
- H. Non-commercial window display signs advertising specific event. Each business may display one (1) such sign in its window containing a maximum of four (4) square feet in area, for not more than thirty (30) days before the event takes place. The sign must be removed within twenty-four (24) hours after the event takes place;
- I. Non-advertising displays commemorating legal holidays; providing, however, that said displays are not detrimental to public health, safety and general welfare;
- J. Temporary non-commercial signs displaying political campaign messages subject to the regulations in Section 17.01.1114, Temporary Non-Commercial Campaigning Signs.

Section 17.01.1109 - Nonconforming Signs.

A. Removal or alteration of nonconforming on-premise signs.

- 1. Without compensation. Any sign that does not conform to the provisions of this chapter and that was constructed or displayed prior to the adoption of this chapter shall be considered nonconforming and removed or brought into conformance with this chapter without compensation when said sign meets any of the following requirements:
 - a. The sign did not comply with all ordinances and regulations in effect at the time of its construction and erection or use.
 - b. The sign was lawfully erected, but has become illegal or abandoned, as those terms are defined in California Business and Professions Code Section 5499.1, as that section is amended from time to time, and were illegal or abandoned under the previous Chapter and prior to the adoption of this Chapter. All abandoned and illegal signs and advertising structures shall be abated pursuant to the notice and hearing procedures for removal of illegal or abandoned signs required by California Business and Professions Code Sections 5499.1 to 5499.16 as those sections are amended from time to time.
 - c. The sign was legal when initially constructed or erected, but has been relocated, or any nonconformity has been expanded.
 - d. The sign is the subject of an agreement between the sign owner and the city for its removal as of a given date.
 - e. The sign is temporary.

- f. The sign is located where building permit or sign permit is issued for a site located within a redevelopment project area created pursuant to California Community Redevelopment Law.
 - g. The sign has been damaged to the extent that the cost of repair, other than copy replacement, will exceed fifty percent of the sign value, as defined in Section 17.01.1104. The sign value shall be reasonably determined by the Director.
 2. Removal of nonconforming signs. After determining that a sign is nonconforming in accordance with the provisions of this section, the Director shall issue a written notice of such nonconformance to the owner of the property upon which said sign is located and state:
 - a. The requirements to bring the sign into compliance with this chapter.
 - b. The date upon which said sign shall achieve conformance or be removed.
 3. Alterations. A sign permit shall be required for any alteration or relocation required to bring a sign(s) into compliance with the provisions of this chapter.
 4. Time limit for conformance.
 - a. Unless otherwise required by this chapter or state law, a sign that exists at the time of adoption of this chapter and does not conform to all of the requirements of this chapter shall not be structurally or electrically altered, increased in area, or relocated unless it is made to comply with all of the provisions of this chapter. However, any nonconforming sign may be maintained, repaired, painted, or remain in existence for a period of fifteen years from the date on which Ordinance No. _____ was enacted by the city.
 - b. For purposes of this section, every on-site sign is assumed to have a useful life of fifteen years as established in Section 5495 of the California Business and Professions Code.
 - c. Fair and just compensation shall be provided by the city for any signs required to be removed, except as otherwise required by this chapter, during the fifteen year amortization period. Any sign required to be so removed before the amortization period has lapsed shall be entitled to fair and just compensation that is equal to one fifteenth of the duplication cost of construction of the display being removed multiplied by the number of years of useful life remaining for the sign. At the end of the amortization period or at the time compensation is provided for nonconforming signs, the owner thereof shall cause the sign to be removed or so altered to conform fully with the requirements of this chapter. A sign permit shall be required for any such alteration or relocation.
 5. Removal of amortized signs. Any nonconforming sign required to be removed in compliance with the provisions of this chapter because of expiration of the applicable time period or payment of fair and just compensation are deemed to be fully amortized and a public nuisance, and may be abated pursuant to the procedures established in this chapter.

6. Declaration of amortization; notice of removal.

- a. All nonconforming signs required to comply with the provisions of this chapter because of expiration of the applicable time period or payment of fair and just compensation are deemed to be fully amortized and a public nuisance, and may be removed by any city employee or private contractor at the direction of the city manager or designee, upon the expiration of thirty days after written notice of such nonconformance and order of removal has been made. The actual cost for such removal shall be charged to the property owner.
- c. Written notice for removal shall be mailed by certified mail to the property owner upon which said display is located. The notice shall state the date for removal.

7. Removal of temporary signs. Temporary signs that do not conform to this ordinance shall, within 30 days after the effective date of this chapter, be removed or made to conform with the requirements of this chapter, including the requirement to obtain a permit as set out in Section 17.01.1117.(A) of this chapter.

B. Removal of nonconforming billboards and off-premise advertising structures.

1. Any off-premises advertising structure or billboard that was lawfully erected prior to the adoption of this chapter shall be deemed a nonconforming off-premises advertising structure.
2. Maintenance. Any existing off-premises advertising structure or billboard that has been determined to be nonconforming may continue in its customary use and maintenance until such time that the city requires the removal of said structure in accordance with the provisions of this chapter and any state or federal provisions for removal and compensation for such required removal of nonconforming off-premises advertising structures.
3. Removal without compensation; illegal structures and relocation agreements. Except as limited by state law, after proper written notice, the city may require the removal of any nonconforming outdoor advertising structure or billboard, without compensation, when said structure meets any of the following conditions.
 - a. The off-site advertising structure did not comply with all ordinances and regulation for such structures in effect at the time of its construction or use, without consideration of messages;
 - b. The offsite advertising structure was lawfully erected, but has not contained copy for public display for a consecutive period of eighteen months or longer;
 - c. The sign has been damaged to the extent that the cost of repair, other than copy replacement, will exceed fifty percent of the sign value, as defined in Section 17.01.1104. The sign value shall be reasonably determined by the Director;
 - d. The structure is the subject of an agreement between the owner and the city for its removal as of any given date;
4. Removal without compensation; residential areas and agricultural areas. Except as

limited by state law, the city may require the removal of a nonconforming off-premises advertising structure that was legally erected and maintained in existence on the effective date of this chapter but that has become nonconforming with the provisions of this section that meets all of the following requirements.

- a. The display is located within an area shown as residential on the city's general plan.
 - b. The display is located in an area zoned for residential use either on the date on which the removal requirement is adopted or becomes applicable to the area.
 - c. The display is not located within six hundred sixty feet from the edge of the right-of-way of an interstate or primary highway with its copy visible from the highway, nor is placed or maintained beyond six hundred sixty feet from the edge of the right-of-way of an interstate or primary highway with the purpose of its message being read from the main traveled way.
 - d. The display is allowed to remain in existence for a period of time as set forth in Section 5412.1 of the California Business and Professions Code or any subsequent amendments or adjustments thereof, which section is hereby incorporated by this reference.
 - e. The display is located within an incorporated area shown as agricultural on the city's general plan as of either the date this chapter is first enacted.
 - f. The display is located within an area zoned for agricultural use either on the date on which the removal requirement is adopted or becomes applicable to the area.
 - g. The display is not required to be removed because of an overlay zone, combining zone, or any other special zoning district whose primary purpose is the removal or control of signs.
 - h. The display is allowed to remain in existence for the period of time set forth below after the enactment or amendment after January 1, 1983, of any ordinance or regulation necessary to bring the entity requiring removal into compliance with Business and Professions Code Section 5412, and after giving notice of the removal requirement.
5. Removal with compensation.
- Nothing in this section shall prohibit the city from requiring the abatement and removal of a nonconforming off-premises advertising structure in commercial or industrial areas with proper notification and payment of compensation in accordance with the provisions of Section 5412 of California Business and Professions Code.
6. Notwithstanding any provisions to the contrary in this chapter, no nonconforming advertising structure is required to be removed solely by the passage of time if such action is prohibited by state or federal law.
 7. Notification for removal of nonconforming off-premises advertising structures. After determining that an off-premises advertising structure is nonconforming in

accordance with the provisions of this section, the Director shall cause a written notice of such nonconformance to be sent to the owner of the property upon which said structure is located, and to the owner of said structure, that states the requirements to bring the sign into compliance with this chapter, and the date upon which said sign shall achieve conformance or be removed.

8. A demolition permit shall be required for any removal required to bring a structure into compliance with the provisions of this chapter.
9. Structures determined to be nonconforming pursuant to this chapter and determined to be a public nuisance due to unsafe structural conditions as determined by the building official are required to be abated immediately.
10. Written notice for removal shall be mailed by certified mail to the property owner upon which said structure is located and to the owner of the structure. The notice shall state the date for removal.
11. All nonconforming structures required to comply with the provisions of this chapter because of expiration of an applicable time period or payment of fair and just compensation shall be deemed a public nuisance, and may be removed by any city employee or private contractor at the direction of the city manager or his designee, upon the expiration of sixty days after written notice of such nonconformance and order of removal has been made. The actual cost for such removal may be charged to the property owner.

Section 17.01.1110 - Non-Commercial Signs and Messages.

- A. Non-commercial signs, including political signs, shall be allowed under any circumstance in which a Commercial Sign is allowed, pursuant to the same rules and regulations as are applicable to any Commercial Sign, and as additionally allowed pursuant to this chapter.
- B. Subject to a property owner's consent, a noncommercial message of any type may be substituted for any duly permitted or allowed commercial message or any duly permitted or allowed noncommercial message, providing that the sign structure or mounting device is legal, without consideration of message content. Such substitution of message may be made without any additional approval or permitting. This provision prevails over any more specific provision to the contrary within this chapter. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. This provision does not create a right to increase the total amount of signage on a parcel or land use, nor does it affect the requirement that a sign structure or mounting device be properly permitted.

Section 17.01.1111 - Construction, Maintenance and Removal of signs.

- A. Construction. Every sign and all parts, portions, units and materials comprising the same, together with the frame, background, supports, or anchorage therefore, shall be manufactured, fabricated, assembled, constructed, and erected in compliance with all applicable state, federal and city laws and regulations, including but not limited to, all applicable safety codes.

- B. Maintenance. Every sign and all parts, portions, units, and materials comprising the same, together with the frame, background, supports, or anchorage therefore, shall be maintained in proper repair and a proper state of preservation and repair. The display surface of all signs shall be kept neatly painted and/or posted.
- C. Notices to maintain, alter, or repair. Upon a written notice from the Director, the necessary maintenance, alterations, or repairs shall be made within ten days after the date of such notice. Orders to maintain, alter or repair are appealable in the same manner as sign permit decisions.
- D. Removal. Except as otherwise provided in this chapter, signs pertaining to enterprises, occupants or activities that are no longer using the premises for which the sign relates, or that are inoperative, shall be painted out, obliterated or removed from the premises within sixty days after the enterprise or occupant has vacated the premises or the sign is found to be inoperative. Any nonconforming signs that exist at the time a business become inoperative, as defined in this chapter, shall be removed and may not be replaced, restored or revised unless brought into conformance with this chapter. Allowable temporary signs shall be removed no later than five days after the occurrence or completion of the event or election or other purposes served by the sign.
- E. Public nuisance abatement. Any sign violating the provisions of this section shall constitute a public nuisance and shall be subject to abatement, using the following procedure.
 - 1. The Director shall make an initial decision that a sign is in violation of this chapter, and shall give notice of that determination to the property owner, and business owner or sign owner. The notice shall specify the grounds for considering the sign a public nuisance and provide thirty calendar days in which the nuisance may be remedied, unless the sign qualifies as an immediate peril, in which case Section 17.01.1111.E.3 shall apply. A notice to abate a public nuisance sign is appealable in the same manner as a sign related decision.
 - 2. If the nuisance condition is not remedied within thirty days or such extension of time as the Director may allow on the ground that remedy is not feasible within thirty days, the Director may cause the sign to be removed, and the cost of removal shall be billed to the sign's owner, the property owner, business or establishment owner, or other responsible party. Said cost may be assessed as a lien against the property upon which the sign was displayed.
 - 3. Notwithstanding the foregoing, the Director may cause any sign that is an immediate peril to persons or property to be removed summarily and without prior notice. If a sign is summarily removed pursuant to this section, the Director shall give notice of the removal to the appropriate parties as soon as it is reasonably possible after the removal.
 - 4. Any sign directed to be so removed shall also require that the structure from which the sign is removed be left in good condition.

Section 17.01.1112 - Prohibited Signs. All signs not specifically permitted by other provisions of this chapter shall be prohibited. The following signs shall not be permitted unless specifically

allowed by a Specific Plan, Overlay District or other Section of this Code:

- A. Portable signs, such as freestanding or wheeled signs higher than forty-two inches (42) in height, and metallic balloons;
- B. Vehicles containing advertising intentionally parked on public or private property for extended amounts of time at the same location for the primary purpose of advertising or directing attention to a permanent business;
- C. Signs that incorporate in any manner any flashing, moving, or intermittent lighting;
- D. Rotating or animated signs, or signs that contain any moving parts;
- E. No signs, lights or other advertising structure shall be:
 - 1. Located within the right-of-way of any highway;
 - 2. Visible from any highway and simulating or imitating any directional, warning, danger or information sign permitted under the provisions of this chapter, or be likely to be mistaken for any permitted sign, or if intended or likely to be construed as giving warning to traffic, by, for example, the use of the words "stop" or "slow down.";
 - 3. Maintained in any other but a safe condition;
 - 4. Visible from any highway and displaying any red or blinking or intermittent light likely to be mistaken for a warning or danger signal;
 - 5. Illuminated so as to impair the vision of travelers on adjacent highways; Illuminations shall be considered vision impairing when its brilliance exceeds the values set forth in Section 21466.5 of the California Vehicle Code;
 - 6. Visible from a state regulated highway and displaying any flashing, intermittent, or moving light or lights, or that appear to be moving.
- F. Signs that exceed the roofline or parapet to which such signs are attached (including decals on mechanical equipment);
- G. Yard Sale and Real Estate signs in the public right-of-way.
- H. Billboards as specified in Section 17.01.1104 of this Chapter.
- I. Off-Site Signs as defined in Section 17.01.1104 of this Chapter.

Section 17.01.1113 - Advertising on Public Property.

- A. No person, except a public officer or city employee in the performance of his duty shall paste, post, paint or erect any flag, pennant, sign or notice of any kind or cause the same to be done upon public property, street, bridge, or sidewalk within the city and no person shall attach any item to private utility poles;
- B. Exceptions. Signs and banners for special public events to the benefit of the entire community and authorized by the Director or Designee.

Section 17.01.1114 - Temporary Non-Commercial Signs.

- A. General. Non-commercial signs are permitted (without the requirement of seeking a permit from City personnel) in any district subject to the following limitations:

1. Time Limits. No sign shall be posted more than ninety (90) days prior to the election or event or subject matter to which it pertains. All signs shall be removed within thirty (30) days following the election, event, or subject matter to which they pertain;
- B. Exceptions. Temporary Non-Commercial Campaigning Signs shall be prohibited in locations listed below:
 1. Public Right-of-way. No sign shall be posted within the street right-of-way (including, but not limited to, median islands, tract entry planters, treewells and parkways), or on any traffic-control sign, private or public utility company poles;
 2. Public Facilities. No sign shall be posted on any building or on any property owned by the city.

Section 17.01.1115 - Temporary Advertising for New Residential Developments. This section provides the standards for the implementation of on-site subdivision signs. The purpose of these standards is to avoid adverse impacts to existing residential neighborhoods, to direct the public to new residential developments, and to help reduce the aesthetic impacts on the streetscape.

- A. On-Site Signs and Flags. New residential developments that offer ten (10) or more units for sale, rent or lease may erect temporary on-site advertising signs subject to the following:
 1. Size.
 - a. One (1) sign per residential development may be located within the boundaries of the development. Such signs shall not exceed one hundred (100) square feet in area and with a total height of twenty feet (20) above grade;
 - b. Additionally, up to ten (10) flags (which direct the public to the location of the model home complex or outline the primary entrance to the development) may be allowed, such flags shall not exceed fifteen (15) square feet in area and with a total height of twenty feet (20') above grade;
 - c. One (1) sign per Model Home Complex (if one is proposed) for the primary identification of the Model Home Complex. Such sign shall not exceed thirty-two (32) square feet in area with a total height of eight feet (8) above grade.
 2. Approval Required. Signs and flags are subject to approval of a temporary sign permit by the Director or Designee. The permit shall be valid for one (1) year. Extensions may be granted by the Director upon request of the applicant;
 3. Bond Required. Such signs and flags are subject to a five hundred dollar (\$500.00) cash bond or deposit as determined by Director in order to guarantee prompt removal upon expiration of the approval period, not to exceed 30 days;
 4. Removal of Signs. The bond/deposit shall be forfeited if signs and/or flags are not removed within the expiration date.

Section 17.01.1116 - Temporary Advertising for Developments Other Than New Residential Developments. Temporary advertising for new developments other than residential projects shall be permitted subject to the following:

- A. One (1) freestanding sign per development may be erected. Such signs shall not exceed thirty-two (32) square feet in area, nor ten feet (10) in height.
- B. One (1) wall sign per building may be displayed. Such signs shall not exceed one (1) square foot per lineal foot of building frontage, provided however, that no sign shall

exceed fifty (50) square feet;

- C. Signs shall not be displayed for more than one (1) year.

Section 17.01.1117 - Temporary Advertising Devices "Temporary Signs". Temporary signs such as pennants, banners, spinners, flags, non-metallic inflatable devices "balloons", and portable signs shall be permitted for promotional purposes only subject to the following regulations:

- A. All temporary signs shall require a permit and shall be subject to the review and approval of the Planning Division;
- B. Pennants, banners, spinners, flags, non-metallic inflatable (small or large) devices "balloons", and portable signs including air operated signs shall be displayed only at the location where the promotion occurs;
- C. The maximum number of temporary signs permitted per occurrence period shall be two (2) sign types;
- D. The display of temporary signs for promotional purposes shall be subject to the following additional regulations:
 - 1. Pennants and Flags (defined as small strips of cloth or plastic fabric triangularly or rectangular shaped and a rectangular piece of fabric on poles used as advertising devices):
 - a. Pennants and/or flags on strings and flags on poles shall be allowed for a maximum of thirty (30) consecutive days per occurrence period, six (6) times per calendar year. No more than two (2) occurrence periods shall be combined at any one time. Each occurrence period shall be separated by at least fourteen (14) consecutive days if not combined;
 - b. Flags on poles shall be limited to 10 flags per occurrence period. Each flag shall not exceed fifteen (15) square feet in area;
 - c. The height of pennants and/or flags on strings and flags on poles shall not exceed twenty feet (20) above grade;
 - d. Pennants and/or flags shall be kept in good condition at all times.
 - 2. Banners (defined as large strips of cloth or plastic fabric used as an advertising device)
 - a. Banners shall be allowed a maximum of thirty (30) consecutive days per occurrence period, four (4) times per calendar year. Each occurrence period shall be separated by at least thirty (30) consecutive days;
 - b. Only one (1) banner shall be permitted per building and/or tenant space;
 - c. Banner sign area shall not exceed sixty (60) square feet;
 - d. Banners shall be attached to the building or canopy parallel to the building face. No portion of any banner shall project more than six inches (6) from the face of the building or canopy to which it is attached.
 - e. Banner shall be kept in good condition at all times.
 - 3. Small inflatable non-metallic devices "balloons":
 - a. Balloons twelve (12) inches or less in diameter may be allowed without a temporary sign permit;

- b. The height of the balloons shall not exceed forty-five (45) feet above grade.
- 4. Large inflatable non-metallic devices "balloons":
 - a. Balloons greater than twelve (12) inches in diameter such as inflatable statutory or a hot air balloon may be may be allowed with a temporary permit a maximum of thirty (30) consecutive days per occurrence period, four (4) times per calendar year. Each occurrence period shall be separated by thirty (30) consecutive days and must be included as part of a permitted promotional period;
 - b. The height of the balloons shall not exceed the distance from the proposed location to the nearest property line.
 - c. Balloon shall be allowed only on private property;
 - d. Balloon shall be placed so as not to impede pedestrian and vehicular traffic;
 - e. Balloon shall be properly secured to the ground or a structure to withstand extreme wind conditions;
 - f. Balloon shall be kept in good condition at all times.
 - g. Only one balloon shall be permitted per building or tenant space.
- E. Movable signs defined as sandwich boards, made of wood, plastic, or metal that may contain commercial information may be allowed with a sign permit reviewed and approved by the Planning Division on a yearly basis subject to the following additional regulations:
 - 1. Only one (1) movable sign shall be permitted per tenant space;
 - 2. Sign shall not be allowed within the public right-of-way (i.e., public side walk, etc.,)
 - 3. Sign area shall not exceed thirty inches (30") wide and forty-two inches (42") high and have no more than two (2) faces;
 - 4. Sign must be placed so as not to impede pedestrian and vehicular traffic;
 - 5. Sign must be placed so as not to impede line-of-sight for vehicular traffic;
 - 6. Sign shall be allowed only on private property;
 - 7. Sign shall be displayed only during operating business hours. Sign shall be kept in good condition at all times.
- F. Temporary Window Signs may be allowed without a temporary sign permit subject to the following regulations:
 - 1. They shall be permitted only inside a window of the business to which such sign pertains;
 - 2. Sign area shall not exceed 25% of the window pane area;
 - 3. Total area occupied by said sign shall not screen the view of the inside of said tenant space;
 - 4. Signs shall be displayed in a neat and orderly manner and shall not contain any words, symbols or pictures that may be offensive to the general public;
 - 5. Holiday window decorations shall be permitted. The duration for the decoration of the window shall be limited to a period not exceeding six (6) weeks prior to the holiday and two (2) weeks following the holiday.

Section 17.01.1118 – Identification Signs in Residential Zones. The following regulations shall apply to all signs and outdoor advertising structures in residential zones, except as provided in Section 17.01.1108, Exemptions.

- A. All signs shall require a permit and shall be subject to the review and approval of the Planning Division;
- B. For other than single-family detached residential, developments on lots less than one hundred (100) feet in width may be permitted one (1) wall sign containing a maximum sign area of ten (10) square feet;
- C. Large scale developments having more than six (6) units and a lot width greater than one-hundred feet (100) may be permitted one (1) sign per street frontage containing no more than one (1) square foot per each ten feet (10) of linear lot frontage and shall not exceed thirty-two (32) square feet of sign area. Such signs may be freestanding or wall signs;
- D. All signs shall harmonize with the scale and design of the development and if lighted shall be indirectly lighted;
- E. Freestanding signs shall have an overall maximum height of six feet (6) above grade. Such sign shall not extend out from the furthest projection of the main building more than five feet (5) on any side of front yard;
- F. A wall sign shall be fastened parallel to the surface of the main building and may be placed at a height not greater than two-thirds (2/3's) of the height of the building surface upon which it is located.

Section 17.01.1119 - Signs in Commercial Zones. The following regulations shall apply to all signs and outdoor advertising structures in the CO, CN, & CH Zones:

- A. All signs shall require a permit and shall be subject to the review and approval of the Planning Division
- B. No sign shall be permitted that does not pertain directly to an approved business conducted on the premises, except as provided in Section 17.01.1108, Exemptions.
- C. All signs, except those provided for in Section 17.01.1117, Temporary Advertising Devices, shall be permanent in nature and shall be consistent with and reflect the architectural design of the building with which they are associated, and shall incorporate unifying features such as materials, styles and colors;
- D. Wall Sign Ratio 1:1. The total sign area permitted per building frontage shall not exceed one (1) square foot per lineal foot of building frontage on which the sign is located subject to the following:
 - 1. Building frontage may not be combined to permit a larger sign on any one building frontage;
 - 2. Signs shall be attached to the building or canopy, parallel to the building face. No portion of any sign or its supporting structure, may project more than six inches (6) from the face of the building or structure to which it is attached.
- E. Sign Program Requirement. Businesses in an integrated development shall be required to submit for review & approval a Uniform Sign Program approved by the Director. The purpose of the sign program is to develop a cohesive and consistent design theme for all proposed sign types taking into consideration the layout of the proposed development and identifying unique advertizing needs for the end users. All signs within an integrated

development shall comply with the established Sign Program regulations and are subject to Section 17.01.1105 (Permit Required);

F. Freestanding Signs. In addition to the above, businesses in a separate or independent building and occupying at least one-hundred feet (100) of frontage on one street may be permitted one (1) freestanding sign subject to the following:

1. Sign area per street frontage shall not exceed twenty (20) square feet per one-hundred (100) lineal feet of the street frontage on which the sign is located, provided, however, that no one sign shall exceed sixty (60) square feet in area;
2. Maximum height of freestanding signs shall not exceed eight feet (8) above the public sidewalk elevation;
3. Signs shall reflect the architectural design of the building with which they are associated, and shall incorporate unifying features such as materials, styles and colors. Simple Pole Signs are discouraged because these do not incorporate features associated to buildings;
4. No portion of any sign or supporting structure shall be located closer than five feet (5) to any property line, nor be located in such a manner as to constitute a hazard to pedestrian or impede appropriate line-of-sight for vehicular traffic;
5. No sign is permitted for frontages on local residential streets;
6. All freestanding signs shall include the address of the business in numerals and/or letters at least six inches (6) high. Addresses shall not be obscured by landscaping or other obstructions;
7. All freestanding signs shall be located in a planter area not less than fifty (50) square feet in area and with a minimum width of five feet (5).

G. Center ID Signs. In addition to the above, one (1) center identification sign per street frontage is permitted for integrated developments of five (5) or more separate units subject to the following:

1. The sign shall not exceed thirty (30) square feet per one hundred (100) lineal of street frontage on which the sign is located, provided, however, that the maximum sign area shall not exceed three hundred twenty (320) square feet per sign;
2. No sign shall exceed the height of the building with which it is associated or the structure height limits of the zone;
3. Signs shall reflect the architectural design of the building with which they are associated, and shall incorporate unifying features such as materials, styles and colors;
4. No portion of any sign or supporting structure shall be located closer than five feet (5') to any property line, nor be located in such a manner as to constitute a hazard to pedestrian or impede appropriate line-of-sight for vehicular traffic;
5. No sign is permitted for frontages on local residential streets;
6. All freestanding signs shall include the address of the center in numerals and/or letters at least six inches (6) high. Addresses shall not be obscured by landscaping or other obstructions;
7. All freestanding signs shall be located in a planter area not less than one hundred (100) square feet in area with a minimum width of five feet (5);

8. All freestanding center identification signs shall be subject to the review and approval of the Director or designee subject to the provisions of Chapter VII, Section 17.01.710, Development and Design Review.

H. Reserve.

I. Small suspended or projecting signs may be permitted in addition to provisions of Subsections D, F, G, and H, subject to the following:

1. A maximum of one (1) such sign per building frontage is permitted provided that it is perpendicular to the main face of the building and suspended from a canopy or projects not more than three feet (3) from the building face;
2. Signs shall not exceed two (2) square feet in area and shall have a minimum ground clearance of eight feet (8);
3. All such signs shall be non-energized and non-electrical.

J. Freeway Identification Signs. Signs oriented to freeway traffic shall be permitted subject to the following limitations:

1. Signs Permitted Within Six Hundred Sixty Feet from the Edge of the Right-of-Way of an Interstate or Primary Highway (types). No signs or advertising displays shall be placed or maintained within six hundred sixty feet from the edge of the right-of-way of an interstate or primary highway, except as follows:
 - a. Signs or advertising displays that are not freeway-oriented, and that conform in all other respects to the provisions this chapter setting out types of signs permitted, may be permitted as freestanding signs (pole or monument) and wall or building face signs only;
 - b. All freeway-oriented signs shall be approved in accordance with Section 17.01.1119.(J).(2) of this Chapter;
 - c. Signs erected by local government to direct traffic to roadside or community business areas. Pole or freestanding signs may be utilized for this use; and
 - d. Signs required by law, including legal notices or advertisements prescribed by law or posted by any lawful officer or agent, are allowed without permit, so long as they conform to the law requiring their posting or display
 - e. Properties containing such signs shall be adjacent to a freeway or a freeway ramp;
2. Signs Permitted Within Six Hundred Sixty Feet from the Edge of the Right-of-Way of an Interstate or Primary Highway. All freeway-oriented signs within six hundred and sixty feet of a freeway right-of-way shall be processed in accordance with this section. A sign application shall be submitted and the required fees paid. Some freeway-oriented signs may be approved by the Director and others may be approved by the Planning Commission, as described in the following sections.
 - a. The Director may approve subject to the provisions of Chapter VII, Section 17.01.710, "Development & Design Review Procedures freeway-oriented freestanding and building face or wall signs as follows:

1. If the commercial development, as defined in Section 17.01.1104 of this Chapter, is less than two acres in size, a freestanding sign may be permitted up to a maximum height of thirty-five (35) feet;
 2. If the commercial development is two acres or more in size, a freestanding sign may be permitted up to a maximum height of forty-five (45) feet;
 3. Regardless of the permitted height, total sign area shall not exceed thirty (30) square feet per one-hundred (100) lineal feet of freeway frontage, provided, however, that the maximum sign area shall not exceed one hundred fifty (150) square feet;
 4. Said sign shall be located in a planter area not less than fifty square feet (50 sf.) with one dimension being at least five feet (5).
 5. In no case may the total number of freestanding signs, or monument, freeway-oriented or not, exceed the total number of street and freeway frontages; and
 6. Freeway-oriented building face or wall signs shall be limited to a maximum sign area of one and one half (1.5) square feet for each lineal foot of building face or wall directed toward the freeway of the building floor area occupied by the applicant.
- b. The Planning Commission may approve freeway-oriented freestanding signs as follows:
1. If the commercial development is two (2) acres or more in size, a freestanding sign greater than forty-five (45) feet in height may be granted by conditional use permit if it can be shown that a greater height is necessary in order to gain adequate identification. Such showing shall include a comparison (line-of-sight analysis) of the elevation of the site and the elevation of the adjacent freeway including off-ramps and accessory freeway features;
 2. Regardless of the permitted height, total sign area shall not exceed forty (40) square feet per one hundred (100) lineal feet of freeway frontage, provided, however, that the maximum sign area shall not exceed three hundred twenty (320) square feet per sign;
 3. In no case shall the total number of freestanding signs, or monument, freeway-oriented or not, exceed the total number of street and freeway frontages; and
- K. Temporary window signs, including signs painted on windows shall be permitted subject to the regulations for temporary window signs set out in Section 17.01.1117.(F).(1) through (5).
- L. Signs for gasoline dispensing establishments shall comply with the provisions of Section 17.01.1122.

Section 17.01.1120 - Signs in the Callexico Downtown District (CS Zone). All signs within the boundaries of the Callexico Downtown Design and Implementation Program - Study Area shall comply with regulations pursuant to Section 3.4, "Signage Standards," of said Program.

Section 17.01.1121 - Signs in the Industrial Zones. The following regulations shall apply to all

signs and outdoor advertising structures in the "I" & "IR" Zones:

- A. All signs shall require a permit and shall be subject to the review and approval of the Planning Division;
- B. No sign shall be permitted that does not pertain directly to an approved business conducted on the premises;
- C. All signs, except those provided for in Section 17.01.1117, Temporary Advertising Devices, shall be permanent in nature and shall be consistent with and reflect the architectural design of the building with which they are associated, and shall incorporate unifying features such as materials;
- D. Wall Sign Ration 1:1. The total sign area permitted per building frontage shall not exceed one (1) square foot per linear building frontage on which the sign is located subject to the following:
 - 1. Maximum size of any sign shall be one-hundred (100) square feet;
 - 2. Building frontages may not be combined to permit a larger sign on any one building frontage;
 - 3. Signs shall be attached to the building or canopy, parallel to the building face. No portion of any sign or its supporting structure may project more than six inches (6) from the face of the building or structure to which it is attached;
- E. Sign Program Requirement. Businesses in an integrated development as defined in this Chapter, shall be required to submit for review & approval a Uniform Sign Program approved by the Director. The purpose of the sign program is to develop a cohesive and consistent design theme for all proposed sign types taking into consideration the layout of the proposed development and identifying unique advertizing needs for the end users. All signs within an integrated development shall comply with the established Sign Program regulations and subject to Section 17.01.1105 (Permit Required).
- F. Freestanding Signs. In addition to the above, businesses in a separate building and occupying the entire building area on a parcel with a street frontage of at least one hundred feet (100) on one street may be permitted a freestanding monument sign subject to the following:
 - 1. Sign area per street frontage shall not exceed 20 square feet per 100 lineal feet of the street frontage on which the sign is located, provided, however, that no one sign shall exceed sixty (60) square feet;
 - 2. Maximum height of the sign shall not exceed six feet (6) in height;
 - 3. No portion of any sign or supporting structure shall be located closer than five feet (5) to any property line, not be located in such a manner as to constitute a hazard to pedestrian or vehicular traffic;
 - 4. No sign is permitted for frontages on local residential streets;
 - 5. All freestanding signs shall include the address of the business in numerals and/or letters at least six inches (6) high. Addresses shall not be obstructed by landscaping or other obstructions;
 - 6. All freestanding signs shall be located in a planter area not less than fifty (50) square feet in area and with a minimum width of five feet (5).
- G. In addition to the above, one center identification sign per street frontage is permitted for

integrated developments of five or more separate units subject to the same regulations stipulated in Section 17.01.1119.(G).

- H. Freeway Identification Signs. Shall comply with the provisions of Section 17.01.1119.(J) of this Chapter.
- I. Signs for gasoline dispensing establishments shall comply with the provisions of Section 17.01.1122.

Section 17.01.1122- Signs for Gasoline Dispensing Establishments "Gas Stations". The following regulations shall apply to all signs and advertising structures for service stations, including mini-markets or similar associated uses:

- A. One freestanding sign per street frontage may be permitted subject to the following:
 - 1. Sign area shall not exceed twenty (20) square feet per one hundred (100) lineal feet of street frontage, plus twenty-four (24) square feet. Price signing shall be included within this sign area;
 - 2. Maximum height of the sign shall not exceed six feet (6) above the adjacent public sidewalk;
 - 3. Signs shall reflect the architectural design of the building with which they are associated and shall incorporate unifying features such as materials;
 - 4. Street frontages may not be combined to permit a larger sign on any frontage;
 - 5. All freestanding signs shall include the address of the business in numerals and/or letters at least six inches (6) high. Addresses shall not be obstructed by landscaping or other obstructions;
 - 6. All freestanding signs shall be located in a planter area not less than fifty (50) square feet in area and with a minimum of five feet (5).
- B. The total sign area of all wall signs per building frontage shall not exceed one (1) square foot per lineal foot of building frontage on which the sign is located;
- C. Signs above pump and pump islands shall be limited to directions for use of pumps and payments, or other signs required by state regulations, and sign area shall not exceed a total of ten (10) square feet per pump island;
- D. Temporary window signs, including signs painted on windows shall be permitted subject to the regulations for temporary window signs set out in Section 17.01.1117.(F).(1) through (5).
- E. Temporary advertising signs may be permitted subject to the provisions of Section 17.01.1116, Temporary Advertising Devices.

Section 17.01.1123 - Signs in Open Space Zones. Except as provided in Section 17.01.1108, Exceptions, all signs in Open Space and Recreational Areas shall be subject to review and approval of the Planning Commission, which shall consider the special circumstances of these zones, including special hazards and overly zones which may be associated with them. Generally, the regulations set forth in Section 17.01.1119, Signs in Commercial Zones, shall be used as guidelines for signs in these districts."

SECTION 6. This ordinance shall take effect thirty (30) day after the date of its passage and adoption.

SECTION 7. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstititutional by any court of competent jurisdiction, such decision shall not affect the validity of the remainder of the Ordinance. The Council hereby declares that it would have adopted this Ordinance, and each section, subsection, sentence, clause, phrase, or portion hereof, irrespective of that fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional

SECTION 8. The city clerk shall certify to the adoption of this Ordinance and shall cause this ordinance, or a summary thereof, to be published as required by law.

PASSED, ADOPTED, AND APPROVED by the City Council of the City of Calexico at the regular meeting this 20th day of July, 2010.

CITY OF CALEXICO
CITY COUNCIL

John Moreno, Mayor

ATTEST:

Lourdes Cordova
City Clerk

APPROVED AS TO FORM:

Jennifer M Lyon, City Attorney

STATE OF CALIFORNIA)
CITY OF CALEXICO) ss.
COUNTY OF IMPERIAL)

I, Lourdes Cordova, City Clerk of the City of Calexico, and ex-officio Clerk of the City Council do hereby certify under the penalty of perjury, that the foregoing Ordinance No. _____, was duly and regularly introduced at the regular meeting of said City Council held on July 20, 2010 and was adopted by the City Council at a meeting of said City Council held on the ____th day of _____, 2010, and that it was so adopted by the following vote:

ROLL CALL: AYES:
 NOES:
 ABSENT:
 ABSTAIN:

Lourdes Cordova, City Clerk

RESOLUTION NO. 2010-16

**RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF CALEXICO RECOMMENDING
TO THE CITY COUNCIL APPROVAL OF ZONING
ORDINANCE TEXT AMENDMENT NO. 2009-02
PERTAINING TO SIGNS.**

WHEREAS, public hearing was held on Zoning Ordinance Text Amendment No. 2009-02, on January 25, 2010 in the Council Chambers, 608 Heber Avenue, Calexico, California and subsequently on June 28, 2010;

WHEREAS, public hearing was advertised according to law; and

WHEREAS, petition was initiated by the City of Calexico; and

WHEREAS, no one was present to object to the petition nor were any objections filed with the Commission; and

WHEREAS, proposed amendment is in conformity with the General Plan, map and text, and other development policies of the City; and

WHEREAS, proposed amendment is appropriate for the property or properties which will be affected by such action, with consideration given to access, size of parcel(s), relationship to similar or related uses and other considerations deemed relevant by the Commission; and

WHEREAS, proposed amendment is necessary and proper at this time, and is not likely to be detrimental to property or residents affected by such action; and

WHEREAS, proposed amendment would not have a significant deleterious effect on the environment; and

WHEREAS, Negative Declaration No. 2009-03 was prepared and considered for the proposal pursuant to the C.E.Q.A. Guidelines, as amended and

WHEREAS, proposed amendment does not have the potential to have a significant environmental effect; and

WHEREAS, proposed amendment could not adversely affect the general health, safety and welfare of the community.

WHEREAS, the Planning Commission of the city of Calexico considered and approved the proposed Sign Ordinance Update at their meeting of January 25, 2010;

WHEREAS, the City Council of the City of Calexico considered the Planning Commission's recommendations at their meeting on March 2, 2010 and accepted proposal except the following. The City Council directed staff to bring back item to the Planning Commission and consider amending the Policy regarding Billboards and consider distance and placement requirements. The proposed amendments are reflected in Section 5, Subsection 17.01.1103.F of this Resolution.

NOW, THEREFORE, be it resolved that the Planning Commission recommends to the City Council approval of Zoning Ordinance Text Amendment No. 2009-02, repealing Chapter 15.28 and Chapter 15.30 of Title 15, and Chapter 12.14 of Title 12 in their entirety; repealing Section 5.56.090 of Chapter 5.56 and Section 5.20.190 of Chapter 5.20 of Title 5 of the Calexico Municipal Code; repealing Article XI of Chapter 17.01, Sections 17.01.1100 and 17.01.1110, and adding a new Article XI, of Chapter 17.01 Sections 17.01.1100 to 17.01.1123 to the Calexico Municipal Code as follows:

SECTION 1. Chapter 15.28 Signs and 15.30 Uniform Sign Code, is hereby repealed in its entirety. *(Please note that ~~strikethrough~~ means areas requested to be repealed by this ordinance)*

SIGNS

15.28.010 Specifications.

~~It is unlawful for any person, firm or corporation to construct or maintain any sign in the city unless such sign conforms to the following specifications:~~

~~A. Generally. A wooden or metal sign not more than three feet in width with a black, blue, gold, silver or white background and carrying in white, blue, silver or gold letters the name of any person, firm or corporation and his or its business only, consisting of not more than two straight lines, may be bolted horizontally and securely to the front or arcade of the building.~~

~~B. Standard Chain Store Signs. Any person, firm or corporation operating stores in other cities and the city of Calexico, for which stores said persons, firms or corporations have adopted a uniform standard of sign, or a uniform color scheme for such signs, or a sign embracing a trademark uniformly used as stated in this subsection, may erect such standard sign. Said sign shall, however, be of wood or metal not more than three feet in width and bolted securely and horizontally to said building as stated in subsection A of this section.~~

~~C. Projection from Building or Arcade. No part of any sign referred to in this section shall project more than six inches beyond the wall of any building or arcade.~~

~~D. Illumination. Such signs may be illuminated or not.~~

~~E. Height. The lower edge of such signs shall be one foot above the bottom edge of the arcade or second story wall. (Prior code §§ 7532, 7532.1)~~

15.28.020 Restrictions on painted signs.

~~It is unlawful for any person, firm or corporation to place, maintain or cause to be placed or maintained any painted sign on the arcade of any building, or upon any part or portion of a building projecting over the sidewalk, unless such painted sign is limited to the name of the business and to not more than two words indicating or descriptive of the type of such business. (Prior code § 7531)~~

15.28.030 Vertical electrical signs—Projection restrictions.

~~Vertical electrical signs may be fastened to buildings or arcades, provided:~~

~~A. When over the sidewalk, that no point of the same shall come within ten feet of the sidewalk elevation; _____ and~~

~~B. When over the street, that they shall not project more than forty-eight inches from the building or column at any point, and that no point shall come within ten feet of the elevation of the street. (Prior code § 7532.2)~~

~~15.28.040 Horizontal electrical signs--Projection restrictions--Conformance required.~~

~~Horizontal electrical signs may be placed, erected or constructed from the outer wall of any building, across the sidewalk, or extend over any public street or way, provided they conform in every particular to the provisions set out in Sections 15.28.050 through 15.28.110. (Prior code § 7231)~~

~~15.28.050 Horizontal electrical signs--Permit--Required.~~

~~No horizontal electrical sign of any kind shall be placed, erected or constructed until a permit is issued for the same by the building inspector. (Prior code § 7232)~~

~~15.28.060 Horizontal electrical signs--Permit--Diagram or sketch.~~

~~Before issuing any permit for any horizontal electrical sign, there shall be filed with the building inspector a diagram or sketch of the proposed sign, showing the dimensions thereof, the weight thereof, and the character and size of the fastenings by which said sign is to be secured from the building from which it is to be suspended or projected. (Prior code § 7233)~~

~~15.28.070 Horizontal electrical signs--Permit--Specifications.~~

~~Permits issued by the building inspector for horizontal electrical signs shall contain a brief description of the proposed sign, the number and size of the fastenings and the quality and kind of material to be used for the fastenings, which shall be specified by him to be used. (Prior code § 7234)~~

~~15.28.080 Horizontal electrical signs--Projection restrictions--Height and centering.~~

~~No horizontal electrical sign shall be placed, erected or suspended across any sidewalk so that the lower edge thereof is less than ten feet above the level of said sidewalk, and such electrical sign must be placed so that the centerline of the sign is at the centerline of the arcade ceiling. (Prior code § 7235)~~

~~15.28.090 Horizontal electrical signs--Projection restrictions--One-story buildings.~~

~~A. Extending over Street. No horizontal electrical sign shall be placed, erected or suspended from any building in the city so as to extend over or across any public street, alley or way, except that a horizontal electrical sign may be placed, erected or suspended from any one-story building located on any paved street in the city.~~

~~B. Maximum Projection over Street. Any such horizontal electrical sign shall not extend more than six feet over such public street from a wall from which the sign is suspended.~~

~~C. Height above Street. The lowest portion of any such horizontal electrical sign shall not be less than fourteen feet above the level of the public street from which such sign is placed, erected or suspended. (Prior code §§ 7236, 7236.1)~~

~~15.28.100 Horizontal electrical signs--Projection restrictions--Two-story buildings.~~

~~A. Placement Permitted. A horizontal electrical sign may be placed, erected or suspended from any two-story building located on any paved street in the city.~~

~~B. Maximum Projection over Street. Any such horizontal electrical sign shall not extend more than twelve feet over such public street from the wall from which the sign is suspended.~~

~~C. Height above Street. The lowest portion of any such horizontal electrical sign shall not be less than fourteen feet above the level of the public street over which the sign is placed, erected or suspended. (Prior code § 7236.2)~~

~~15.28.110 Horizontal electrical signs--Fastening restrictions.~~

~~No horizontal electrical sign shall be placed, erected or suspended within the city unless the same is firmly and securely fastened to the building upon which the sign is placed or from which it is suspended by means of galvanized metal strips or metal cables of the quality and size specified by the building inspector, and unless there are sufficient of these strips or cables, which number shall be specified by the building inspector, to ensure the safety and firmness of the sign. (Prior code § 7237)~~

~~15.28.120 Electrical signs--Permit fee.~~

~~The building inspector shall collect a fee based on the valuation of the sign and each permit issued for the erection of any electrical sign. The fees based on valuation are to be calculated as per the Uniform Administrative Code and the Fees Table contained therein. (Ord. 806 § 1, 1981; prior code §§ 7238, 7533)~~

~~Chapter 15.30--UNIFORM SIGN CODE~~

~~15.30.010 Adopted.~~

~~A certain document, a copy of which is on file in the office of the city clerk, being marked and designated as Uniform Sign Code, 1997 Edition, published by the International Conference of Building Officials, is adopted. (Ord. 981 § 1 (part), 1999; Ord. 958 § 1 (part), 1996; Ord. 787 § 1, 1980)~~

SECTION 2. Chapter 12.14, Temporary Signs, is hereby repealed in its entirety.

12.14.010 Definition.

A "temporary sign" is any sign, handbill, or poster which is placed to advertise or announce a specific event, or which pertains to a particular event or occurrence, or which is not designed or intended to be placed permanently. Examples of temporary signs include, but are not limited to, signs, handbills or posters relating to garage sales, political candidates or ballot measures, concerts, "swap meets" and the like. (Ord. 881 § 1 (part), 1986)

12.14.020 Legislative findings.

The _____ city _____ council _____ finds _____ as _____ follows:

~~A. Aside from this chapter, temporary signs are not regulated by this title, and are, therefore, not subject to design review or approval as to their size, shape, color, design or placement. The lack of regulation of temporary signs has in the past led to visual clutter within the community and aesthetic blight. At times, temporary signs pose traffic safety hazards.~~

~~B. Public property including, but not limited to, parks, streets, alleys, parkways, public rights-of-way and facilities located within the public rights-of-way, such as utility poles, benches, hydrants, bridges, sidewalks and similar structures are not by tradition or designation a forum for communication by the general public, and the council wishes to preserve this property and these structures for their intended purposes, which is the safe, efficient and pleasant movement of vehicular and pedestrian traffic and operation of utility systems.~~

~~C. The regulations and prohibitions specified in this section are necessary to preserve the public rights-of-way and the items located within for their intended purposes, and to prevent the visual clutter, blight, and traffic safety hazards caused by temporary signs therein. (Ord. 881 § 1 (part), 1986)~~

12.14.030 Posting prohibited.

~~No person shall paint, mark or write on, or post or otherwise affix, or erect, construct, maintain, paste, nail, tack or otherwise fasten or affix, any temporary sign on any public property, street, alley, parkway, public right of way, sidewalk, crosswalk, curb, street lamp post, pole, bench, hydrant, tree, shrub, bridge, electric light of power or telephone wire pole, or wire appurtenance thereof, or upon any street sign or traffic sign, or upon any other object located within the public right-of-way which is not maintained for the purpose of communications by temporary signs by the general public. (Ord. 881 § 1 (part), 1986)~~

12.14.040 Exceptions.

~~This section shall not prevent a public officer or employee from posting notices as required by law, such as notices of street abandonment or notices of proposed assessment district proceedings, as required by the Streets and Highways Code, or other statutory authority. This section shall also not prevent the city council from issuing an encroachment permit for the erection of banners pertaining to noncommercial and nonpolitical community events, such as parades, fairs, and community celebrations. This section shall also not pertain to structures located within the right-of-way which by tradition or designation are used for the purpose of communication by the general public. Such structures shall include kiosks, bulletin boards, benches upon which advertisement is authorized, newspaper racks, and billboards as authorized by this code. (Ord. 881 § 1 (part), 1986)~~

12.14.050 Sight distance.

~~No temporary sign erected on private property shall be erected or placed at the intersection of any street or within the segment created by drawing an imaginary line between points fifty feet back from where the curb lines of the intersection quadrant intersect. (Ord. 881 § 1 (part), 1986)~~

12.14.060 Removal.

~~A. Temporary signs not prohibited by this section shall be removed within seven calendar days after the event to which they related occurs.~~

~~B. Any temporary sign posted or otherwise affixed in violation of this section may be removed by officers of the police, building inspection or public works departments or by the code enforcement officer. Signs removed by city employees shall be taken to the city shop. The employee removing the sign shall immediately attempt to notify the owner of the sign, if such can be ascertained. In cases where a sign contains the name of a printing firm or political candidate, the department shall also immediately attempt to notify such firm or candidate of the fact of removal, the location of the sign, and the procedure for retrieving the sign. (Ord. 881 § 1 (part), 1986)~~

~~12.14.070 Retrieval of signs.~~

~~Any person desiring to retrieve a sign removed by the city may do so upon the payment of an administrative fine of two and no/100ths dollars for each sign smaller than nine square feet total, and an administrative fine of ten and no/100ths dollars for each larger sign. In lieu of paying such administrative fine, such person may retrieve a sign upon signing a promise to appear upon a citation issued to him or her for violation of this section. If a person wishes to contest the fact that a sign was placed in violation of this section prior to paying the fine or signing the citation, he or she shall have the right to an administrative hearing before the director of public works. If the director finds that the sign was lawfully posted, he shall return the sign without an administrative penalty or the issuance of a citation. (Ord. 881 § 1 (part), 1986)~~

~~12.14.080 Destruction of signs.~~

~~Any temporary sign removed by the city may be considered abandoned if it is not retrieved within fifteen days after the date of such removal, and may be disposed of by the city without liability therefor to any person. (Ord. 881 § 1 (part), 1986)~~

SECTION 3. Section 5.20.190, Advertising by Electric Signs of Chapter 5.20, License Rates, is hereby repealed.

~~5.20.190 Advertising by electric signs.~~

~~A. For every person, firm or corporation conducting, carrying on or engaged in the business of advertising by means of electric signs, the sum of one and one-half cents per quarter shall be charged for each square foot on the front surface area of all such electric signs so operated or maintained at the time of filing the verified statement provided for in subsection B of this section.~~

~~B. Application Statement. Before receiving a license for such business, the application therefor must be filed with the city clerk containing a statement made and sworn to by the applicant, showing in detail the number of such electric signs so operated or maintained by the applicant at the time of such application, and the location and front surface of each such sign. (Ord. 680 § 2 (part), 1975; Ord. 493 § 2 (part), 1957; prior code §§ 2226 and 2226.1)~~

SECTION 4. Section 5.56.090, Permission Required for Erection, of Chapter 5.56, Handbills and Signs, is hereby repealed.

~~5.56.090 Permission required for erection.~~

~~It is unlawful for any person, firm or corporation to erect or maintain any billboards or advertising signs along any of the streets or alleys of the city, or upon any lot or premises in the city, without first having obtained written permission from the owner or person in possession of said lot or premises. In addition thereto, he must obtain permission from the majority of the members of the council sitting as a council at a regular or legally called special meeting of the city council. (Ord. 626 § 1 (part), 1968; prior code § 4024)~~

SECTION 5. Article XI, Signs of Chapter 17.01, General Provisions, of Title 17, Zoning, consisting of Sections 17.01.1100 and 17.01.1110 is hereby repealed and Article XI, Signs of Chapter 17.01, General Provisions, of Title 17, Zoning, consisting of Sections 17.01.1100 to 17.01.1123, is hereby added to read as follows:

~~17.01.1100 Advertisement restrictions.~~

~~In commercial zones and industrial zones, the advertisement contained on any sign shall pertain to only the business, industry or pursuit conducted on or within the premises on which the sign is erected or maintained. (Ord. 606 § 2 (part), 1966; prior code § 8184)~~

~~17.01.1110 Signs requiring conditional use permits.~~

~~All signs other than those designated in Section 17.01.1100 shall be by conditional use permit only except signs advertising property for sale in residential zones. In the case of signs advertising property for sale in residential zones, such signs shall not exceed sixteen square feet of display area. (Ord. 648 § 1, 1970; Ord. 606 § 2 (part), 1966; prior code § 8182)~~

Section 17.01.1100 - Title. This chapter shall be known as the Sign Ordinance.

Section 17.01.1101 - Regulatory Scope. This chapter regulates signs, as defined herein that are located on private property (not including public rights-of-way), or on property owned by public entities other than the City of Calexico, and over which the city holds land use regulatory authority, when such property is located within the corporate limits of the City of Calexico. The policies for private party use of owned property and public rights-of-way for sign purposes are stated in a separate policy statement or resolution adopted by the city council from time to time.

Section 17.01.1102 – Purpose. The purpose of this chapter is to establish a comprehensive system for the regulation of signs in the City of Calexico. Sign regulation is enacted to serve the interests of community aesthetics, vehicular and pedestrian safety, to protect and preserve property values, to improve the visual environment of the city so as to promote commerce, investment, tourism, and visitation, and the overall quality of life for persons living in, doing business in, or visiting the city. The provisions of this chapter are also intended to promote the public health, safety and general welfare of persons driving, parking, walking, residing, or conducting business within the city by reducing visual distractions to motorists, by making signs and advertising displays more attractive, aesthetically pleasing, and more effective. It is the further purpose of this chapter to ensure that every use of property within the city receives adequate identification. This chapter shall supplement the provisions for signs and advertising displays as defined in this zoning ordinance for each of the city's zones.

The regulations of this chapter are not intended to permit any violations of the provisions of any

other lawful ordinance, or to prohibit the use of any sign required by any law superior to that of this ordinance.

Section 17.01.1103 – Basic Policies. The policies and provisions of this section shall apply to all signs regulated by this chapter.

- A. **Message Neutrality.** Consistent with both the federal and state constitutions, it is the city's policy to regulate signs in a manner that is content neutral as to noncommercial signs and viewpoint neutral as to commercial signs.
- B. **Regulatory Interpretations.** All regulatory interpretations of this chapter are to be exercised in light of the city's message neutrality policy. Where a particular type of sign is proposed in a permit application, and the type is neither expressly allowed nor prohibited by this chapter, or whenever a sign does not qualify as a "structure" as defined in Chapter 17.01.900, then the Director shall approve, conditionally approve, or disapprove the application based on the most similar sign type that is expressly regulated by this chapter. Architectural compatibility shall be analyzed without consideration of the message to be displayed on a sign, other than the distinction between on-site and off-site commercial messages.
- C. **Discretionary Approvals.** Whenever a sign or proposed sign is subject to any discretionary approval process, including but not limited to, variance, conditional use permit, or special use permit, then no consideration will be given to sign copy or message to be displayed, other than a determination as to whether the message will constitute off-site commercial copy. This principle applies equally at all levels of approval, from the Director to the City Council.
- D. **Message Substitution Policy.** Subject to a property owner's consent, a noncommercial message of any type may be substituted for any duly permitted or allowed commercial message or any duly permitted or allowed noncommercial message, provided that the sign structure or mounting device is legal, without consideration of message content. Such substitution of message may be made without any additional approval or permitting. This provision prevails over any more specific provision to the contrary within this chapter. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. This provision does not create a right to increase the total amount of signage on a parcel or land use, nor does it affect the requirement that a sign structure or mounting device be properly permitted.
- E. **Non-communicative Aspects of Signs.** All rules and regulations concerning the non-communicative aspects of signs, such as location, size, height, illumination, spacing, orientation, and so forth, stand enforceable independently of any permit or approval process.
- F. **Billboard Policy.** ~~It is a fundamental land use policy of the City of Calexico to prohibit the construction, erection or use of any billboards, as defined in this Section other than those that legally exist in the city, or for which a valid permit has been issued and has not expired as of the date on which this provision is first adopted. The city adopts this policy pursuant to California Government Code Section 65850, California Business and~~

~~Professions Code Sections 5354(a) and 5408.3 (both effective January 1, 2003). No permit shall be issued for any billboard that violates this policy, and the construction or maintenance of any billboard in violation of this subsection is declared a nuisance and the city may take immediate steps to abate any nuisance created by any billboard constructed or maintained in violation of this policy. The city council affirmatively declares that it would have adopted this subsection even if it were the only provision in this chapter. It shall be the policy of the City of Calexico to regulate the placement of "Billboards" by requiring consideration of such signs via the Conditional Use Permit (CUP) process pursuant to applicable provisions of the Zoning Code. The following requirements shall be met:~~

1. The location shall be zoned Commercial or Industrial;
2. There must be a business activity within 1,000 feet of the proposed sign;
3. No sign shall be permitted within $\frac{1}{4}$ mile radius of another legally permitted Billboard;
4. No sign shall be permitted within 300' distance from another legally permitted on site freestanding/freeway sign;
5. Other considerations regarding compatibility of placement as required by the CUP process;
6. *No sign shall be permitted on Parcels of land less than 2 acres in size;*
7. *The city adopts this policy pursuant to California Government Code Section 65850, California Business and Professions Code Sections 5354(a) and 5408.3 (both effective January 1, 2003).*

(Italics means language added per Planning Commission direction 6/28/10)

~~The city council intends for this subsection to be severable and separately enforceable, even if other provisions of this chapter may be declared, by a court of competent jurisdiction, to be unconstitutional, invalid or unenforceable. This subsection does not prohibit agreements to relocate presently existing, legal billboards, as encouraged by California Business and Professions Code Section 5412. (Proposed based on City Council direction on March 2, 2010.)~~

- G. Multiple Use Zones. In any zone where both residential and nonresidential uses are allowed, the signage rights and responsibilities applicable to any particular use shall be determined as follows: residential uses shall be treated as if they were located in a residential zone, and nonresidential uses shall be treated as if they were located in a zone where that particular use would be allowed, either as a matter of right or subject to a conditional use permit or similar discretionary process.
- H. Property Owner's Consent. No sign may be displayed on real or personal property without the consent of the legal owner of the property on which the sign is mounted or displayed. For purposes of this subsection, "owner" means the holder of legal title to the property and all parties and persons holding a present right of possession, control, or use of the property.
- I. Projection Over Public Right-of-Way. No sign may project over the public right-of-way unless such projection is specifically authorized by this chapter or by a policy statement or resolution, adopted by the city council, authorizing such projection.

- J. Legal Nature of Signage Rights and Duties. As to all permanent signs attached to property, real or personal, the signage rights, duties and obligations arising from this chapter attach to and travel with the land or other property on which a sign is mounted or displayed. This subsection does not modify or affect the law of fixtures, or sign-related provisions in private leases regarding signs (so long as they are not in conflict with this chapter).
- K. Compliance with Safety Codes. In addition to the requirements of this chapter, all signs displayed in the city must comply with the provisions of Title 15, regulating building and construction in the city.
- L. Compliance with Other Laws. All signs displayed in the city must comply with the requirements of this chapter and the requirements of all other applicable laws.
- M. Permit Requirement. It is illegal to display any sign within the city without a sign permit as required in Section 17.01.1105, unless the particular sign is expressly exempted from the permit requirement by any provision of this chapter.
- N. Right to Permit. When a given sign is subject to the permit requirement of subsection M of this section, or Section 17.01.1105, and the applicant satisfies all of the requirements of this chapter and all other applicable law, the permit shall be issued upon the terms and conditions stated in this chapter and such other applicable laws.
- O. Right to Sign. When a sign is not subject to a permit requirement, and fully conforms with all the provisions of this chapter and all other applicable laws, the sign may be displayed as a matter of right.
- P. Severance. If any section, sentence, clause, phrase, word, portion, or provision of this chapter is held invalid, unconstitutional or unenforceable, by any court of competent jurisdiction, such holding shall not affect, impair, or invalidate any other section, sentence, clause, phrase, word, portion, or provision in this chapter that can be given effect without the invalid portion. In adopting this chapter the city council affirmatively declares that it would have approved and adopted the chapter even without any portion that may be held invalid or unenforceable.

Section 17.01.1104 - Definitions.

For the purpose of this chapter, certain terms used herein are defined as follows:

- A. "Balloon" means an inflatable bag or other inflatable device of any size;
- B. "Billboard" means a permanent structure sign with a display face exceeding thirty-two square feet that is used to display off-site commercial messages.
- C. "Building Frontage" means the lineal extent of a building or unit along either a street or a public parking area serving the business, not including loading or service areas;
- D. "Business Identification Sign" means any sign erected or maintained for the purpose of identifying a bona fide business being conducted upon the premises on which the sign is located;
- E. "Center Identification Sign" means a freestanding sign structure containing the name identifying an integrated business development and may also include identification signs on which the names and nature of business only within the development are uniformly displayed;

- F. "Commercial development" means one or more nonresidential or non-institutional types of use engaged in commerce on a parcel or on adjacent parcels of land which are planned, developed, or managed as a unit.
- G. "CMC" means the City of Calexico Municipal Code as amended from time to time.
- H. "Commercial Sign" means any sign excluding non-commercial signs.
- I. "Director" means the Director of Community Development Department.
- J. "Double-face Sign" means a single sign with two (2) parallel sign faces back-to-back;
- K. "Electronic message display" is a sign with either a fixed or changeable display which may be changed by electronic processes or remote control, which may include words and/or pictures and composed of a series of lights, light emitting diodes (LEDs) or liquid crystal displays (LCDs) or functionally similar signs.
- L. "Freestanding Sign" means any permanent sign not attached to a building;
- M. "Freeway" means a highway with respect to which the owners of abutting lands have no right of easement or access to or from their abutting lands, or in respect to which such owners have only limited or restricted easement or access and which is declared to be such in compliance with the Streets and Highway Code of the State; "Highway" includes roads, streets, boulevards, lanes, courts, places, commons, Trails, ways or other rights-of-way or easements used for or laid out and intended for the public passage of vehicles or of vehicles and persons.
- N. "Integrated Development" means a development consisting of five (5) or more interrelated business establishments, in separate units, using common driveways and on-site parking facilities;
- O. "Interstate highway" means any highway at any time officially designated as a part of the national system of interstate and defense highways by the director and approved by appropriate authority of the federal government.
- P. "Monument Sign" means a low profile sign, not exceeding six feet (6') in height, supported by a solid pedestal extending under the entire length of the sign;
- Q. "Non-commercial Sign" means any sign, including political signs, not advertising a business, services offered or rendered, goods produced, sold, or available for sale, whether on or off-site;
- R. "Off-site Sign" means any sign, including billboards, which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than on the premises, and only incidentally on the premises if at all. All non-commercial signs are considered on-site signs; the definition and rules for off-site signs apply only to commercial speech on signs.
- S. "On-site Sign" means any structure, housing, sign, device, figure, statuary, painting, display, message placard, or other contrivance, or any part thereof, that has been designed, constructed, created, intended, or engineered to have a useful life of 15 years or more, and intended or used to advertise, or to provide data or information in the nature of advertising, for any of the following purposes:
 - 1. To designate, identify, or indicate the name or business of the owner or occupant of the premises upon which the advertising display is located.

2. To advertise the business conducted, services available or rendered, or the goods produced, sold, or available for sale, upon the property where the advertising display has been lawfully erected.
- T. "Permanent Reader Panel" means a permanently constructed changeable copy bulletin board lighted or unlighted with detachable precut letters and figures;
- U. "Non-Commercial Campaigning Sign" means a sign relating to a forthcoming public election or referendum indicating the name and/or picture of an individual seeking election to a public office, or a sign pertaining to issues, or a sign pertaining to the advocacy by persons, groups, or parties of political views or policies;
- V. "Portable Sign" means any movable external sign that is not permanently secured or attached to an approved permanently established structure, support or anchor;
- W. "Projecting Sign" means any sign which is affixed or attached to, and is supported solely by a building wall or structure, or parts thereof, and extends beyond building wall, or structure or parts thereof more than twelve inches (12") and whose angle of incidence to said building wall, structure or parts thereof, is greater than thirty (30) degrees;
- X. "Primary highway" means any highway, other than an interstate highway, designated as a part of the federal-aid primary system in existence on June 1, 1991, and any highway that is not in that system but which is in the National Highway System.
- Y. "Roofline" means the height above the eaves line on sloped roofs, and above the roof covering on flat roofs except parapet walls;
- Z. "Roof Sign" is any sign erected, constructed and maintained wholly or partially above the roofline;
- AA. "Sign" means and includes every announcement, declaration, demonstration, display, illumination, insignia, surface or space when erected or maintained in view of the general public for identification, advertisement or promotion of the interests of any business or person;
- BB. "Sign Area" means the entire area within the outside border of the sign. The area of a sign having no continuous border or lacking a border shall mean the entire area within a single continuous perimeter formed by no more than eight (8) straight lines enclosing the extreme limits of writing, representations, emblem, or any fixture or similar character, integral part of the display or used as a border excluding the necessary supports or uprights on which such sign is placed. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back-to-back and are at no point more than three feet (3') from one another, the area of the sign shall be taken as the area of one (1) face if the two (2) faces of equal area, or as the area of the larger face if the two (2) faces are of unequal area;
- CC. "Sign Value" means the current cost of construction of the sign, as reasonably estimated by the director, assuming the sign meets the standards established by International Conference of Building Officials and as adopted periodically by the city council.
- DD. "Street Frontage" means the lineal extent of a parcel of land along a street;
- EE. "Temporary Sign" means any sign constructed of or painted on, cloth, canvas, light fabric, cardboard, wallboard, plastic, or other light material;
- FF. "Wall Sign" includes all flat signs, either of solid face construction or individual letters, which are placed against the exterior wall of any building or structure and extending not

more than one foot (1') from the face of the building and having the advertisement on one (1) face only.

Section 17.01.1105 - Permit Required. A sign permit shall be required to be obtained from the Planning Division for new signs and/or change of face or copy on existing signs. A building permit and electrical permit (a grading, fire and mechanical, plumbing permit requirement may also be triggered per the discretion of the Director) shall be required from the Building Division prior to the placing, erecting, moving, reconstructing, altering, or displaying of any exterior signs unless exempted by Section 17.01.1108, and not including merely refurbishing (i.e., repainting, etc.) existing signs.

Section 17.01.1106 - Procedure.

- A. Application for Sign Permit and Approval shall be made upon forms provided by the Community Development Department, Planning and Building & Safety Divisions and shall include the following information and materials:
 1. Three (3) copies of plan showing:
 - a. Site Plan illustrating general location of and placement of the proposed sign in relation to driveways, property lines and buildings;
 - b. Position of sign or other advertising structure in relation to adjacent buildings or structures. If a freestanding sign is proposed, illustrate the location in relation to lot lay-out;
 - c. The design, color, materials used and size of all proposed signs. For freestanding signs, dimension and description of materials supporting sign. Structural details shall be required for all freestanding signs in excess of three (3') feet with calculations and specifications signed by a registered professional engineer;
 - d. A current photograph(s) showing existing signs on the premises and adjacent property, and certifying the date on which the photographs were taken;
 - e. A statement showing the size and dimensions of all signs existing on the premises at the time of making such applications;
 - f. Applicant's statement as to whether the sign will display onsite or offsite commercial and/or noncommercial messages.
- B. Fees. Every applicant, before the granting of a Sign Permit, shall pay to the Planning & Building & Safety Divisions the permit fees as established by resolution for each sign or other advertising structure regulated by this chapter.
- C. Issuance of Permits. It shall be the duty of the Planning and Building & Safety Divisions, upon the filing of an application for a sign permit, to examine such plans and specifications and other data and the premises upon which it is proposed to erect the sign or advertising structure; and if it shall appear that the proposed structure is in compliance with all the requirements of this chapter and all other adopted laws, guidelines and ordinances of the City, they shall then issue the sign permit except as otherwise provided in this chapter.
 1. Planning & Building & Safety Divisions must make a determination about whether the application should be granted or denied within 30 days of the application being submitted to the Departments. Failure to reach a decision within 30 days will result in the application being deemed approved.

2. Within 10 calendar days from the day the City denied an application to construct or modify a sign, the applicant may file an appeal, in writing, and attach all evidence or documents the applicant believes to be relevant to the appeal. The appeal and supporting documents must be filed with the Office of the City Manager. The appeal will be reviewed by the City Manager or his or her designee, and shall be decided within 30 days after the City of Calexico has received the appeal. The City Manager or designee may, in the exercise of his or her discretion, allow the applicant to present testimony orally in addition to the written appeal documents required by this section.
- D. Revocation of Permit. The Director is authorized and empowered to revoke any permit upon failure of the holder thereof to comply with any provision of this chapter, with written statement for reasons of revocation.
- E. Failure to Obtain Permit. Failure to acquire a permit before commencing work shall trigger issuance of a citation pursuant to Section 1.27 of the CMC and a double permit fee assessment. Nothing in this section restricts the City from seeking any other legal remedy for violations of this Chapter.

Section 17.01.1107 - Stop Orders. The issuance of a sign permit shall not constitute a waiver of this section or any ordinance of the City, and the Building & Safety Division is authorized to stop any sign or advertising structure installation which is being carried on in violation of this Chapter, or of any other ordinance of the City.

Recipient of a Stop Order may contest that there was a violation of this chapter by completing a request for a hearing form and returning it to the city within 15 days from the issuance of the Stop Order.

Section 17.01.1108 - Exemptions.

The following non-illuminated signs shall be permitted in all districts with no permit required, subject to the limitations provided in this chapter, or as otherwise provided by state law:

- A. One (1) double-faced or two (2) single-faced real estate signs per street frontage not exceeding six feet (6') in area nor six feet (6') in height pertaining to the sale or rental of the property on which displayed, provided that such signs shall be removed at the time the property is sold or rented;

On vacant parcels larger than 10,000 square feet in area, one (1) double-faced real estate sign per street frontage not exceeding thirty-two (32) square feet in area may be placed in lieu of the smaller sign, provided that it shall be a minimum of fifteen-feet (15') from any street right-of-way or driveway and shall not exceed ten feet (10') in height;
- B. One (1) professional nameplate or occupational sign denoting only the name and occupation of an occupant in a commercial building or public institutional building, provided that said sign does not exceed two (2) square feet in area and is attached to and mounted parallel to the face of the building not exceeding one inch (1") from the wall;
- C. One (1) nameplate, denoting only the name of occupants of a dwelling, and not exceeding two (2) square feet in area not located closer than two feet (2') to the property line;
- D. Municipal signs, railroad crossing or danger signs, official notices issued by any court or public body or officer, notices posted by any public officer in performance of a public duty or by any person in giving any legal notice, directional warning or information signs

or structures required by or authorized by law or by federal, state or county authority, a sign erected near a city or county boundary that contains the name of that city or county and the names of, or any other information regarding, civic, fraternal, or religious organizations located within that city or county. These items are not considered "signs" under state law.

- E. Non-advertising warning signs or trespassing signs on private property posted no closer than one hundred feet (100') apart not exceeding three feet (3') in area;
- F. Non-advertising signs of public utility companies as may be required in their operations in providing services for the health and welfare of the general public, or as required by any law or regulations of the state or any agency thereof;
- G. One (1) sign per street frontage identifying the development and denoting the architect, engineer or contractor when placed upon work under construction; provided, however, that no such sign shall exceed thirty-two (32) square feet in area nor eight (8) feet in height;
- H. Non-commercial window display signs advertising specific event. Each business may display one (1) such sign in its window containing a maximum of four (4) square feet in area, for not more than thirty (30) days before the event takes place. The sign must be removed within twenty-four (24) hours after the event takes place;
- I. Non-advertising displays commemorating legal holidays; providing, however, that said displays are not detrimental to public health, safety and general welfare;
- J. Temporary non-commercial signs displaying political campaign messages subject to the regulations in Section 17.01.1114, Temporary Non-Commercial Campaigning Signs.

Section 17.01.1109 - Nonconforming Signs.

A. Removal or alteration of nonconforming on-premise signs.

1. Without compensation. Any sign that does not conform to the provisions of this chapter and that was constructed or displayed prior to the adoption of this chapter shall be considered nonconforming and removed or brought into conformance with this chapter without compensation when said sign meets any of the following requirements:
 - a. The sign did not comply with all ordinances and regulations in effect at the time of its construction and erection or use.
 - b. The sign was lawfully erected, but has become illegal or abandoned, as those terms are defined in California Business and Professions Code Section 5499.1, as that section is amended from time to time, and were illegal or abandoned under the previous Chapter and prior to the adoption of this Chapter. All abandoned and illegal signs and advertising structures shall be abated pursuant to the notice and hearing procedures for removal of illegal or abandoned signs required by California Business and Professions Code Sections 5499.1 to 5499.16 as those sections are amended from time to time.
 - c. The sign was legal when initially constructed or erected, but has been relocated, or any nonconformity has been expanded.

- d. The sign is the subject of an agreement between the sign owner and the city for its removal as of a given date.
 - e. The sign is temporary.
 - f. The sign is located where building permit or sign permit is issued for a site located within a redevelopment project area created pursuant to California Community Redevelopment Law.
 - g. The sign has been damaged to the extent that the cost of repair, other than copy replacement, will exceed fifty percent of the sign value, as defined in Section 17.01.1104. The sign value shall be reasonably determined by the director.
2. Removal of nonconforming signs. After determining that a sign is nonconforming in accordance with the provisions of this section, the director shall issue a written notice of such nonconformance to the owner of the property upon which said sign is located and state:
 - a. The requirements to bring the sign into compliance with this chapter.
 - b. The date upon which said sign shall achieve conformance or be removed.
 3. Alterations. A sign permit shall be required for any alteration or relocation required to bring a sign(s) into compliance with the provisions of this chapter.
 4. Time limit for conformance.
 - a. Unless otherwise required by this chapter or state law, a sign that exists at the time of adoption of this chapter and does not conform to all of the requirements of this chapter shall not be structurally or electrically altered, increased in area, or relocated unless it is made to comply with all of the provisions of this chapter. However, any nonconforming sign may be maintained, repaired, painted, or remain in existence for a period of fifteen years from the date on which Ordinance No. _____ was enacted by the city.
 - b. For purposes of this section, every on-site sign is assumed to have a useful life of fifteen years as established in Section 5495 of the California Business and Professional Code.
 - c. Fair and just compensation shall be provided by the city for any signs required to be removed, except as otherwise required by this chapter, during the fifteen year amortization period. Any sign required to be so removed before the amortization period has lapsed shall be entitled to fair and just compensation that is equal to one fifteenth of the duplication cost of construction of the display being removed multiplied by the number of years of useful life remaining for the sign. At the end of the amortization period or at the time compensation is provided for nonconforming signs, the owner thereof shall cause the sign to be removed or so altered to conform fully with the requirements of this chapter. A sign permit shall be required for any such alteration or relocation.
 5. Removal of amortized signs. Any nonconforming sign required to be removed in

compliance with the provisions of this chapter because of expiration of the applicable time period or payment of fair and just compensation are deemed to be fully amortized and a public nuisance, and may be abated pursuant to the procedures established in this chapter.

6. Declaration of amortization; notice of removal.

- a. All nonconforming signs required to comply with the provisions of this chapter because of expiration of the applicable time period or payment of fair and just compensation are deemed to be fully amortized and a public nuisance, and may be removed by any city employee or private contractor at the direction of the city manager or designee, upon the expiration of thirty days after written notice of such nonconformance and order of removal has been made. The actual cost for such removal shall be charged to the property owner.
- c. Written notice for removal shall be mailed by certified mail to the property owner upon which said display is located. The notice shall state the date for removal.

7. Removal of temporary signs. Temporary signs that do not conform to this ordinance shall, within 30 days after the effective date of this chapter, be removed or made to conform with the requirements of this chapter, including the requirement to obtain a permit as set out in Section 17.01.1117.A of this chapter.

B. Removal of nonconforming billboards and off-premise advertising structures.

- 1. Any off-premises advertising structure or billboard that was lawfully erected prior to the adoption of this chapter shall be deemed a nonconforming off-premises advertising structure.
- 2. Maintenance. Any existing off-premises advertising structure or billboard that has been determined to be nonconforming may continue in its customary use and maintenance until such time that the city requires the removal of said structure in accordance with the provisions of this chapter and any state or federal provisions for removal and compensation for such required removal of nonconforming off-premises advertising structures.
- 3. Removal without compensation; illegal structures and relocation agreements. Except as limited by state law, after proper written notice, the city may require the removal of any nonconforming outdoor advertising structure or billboard, without compensation, when said structure meets any of the following conditions.
 - a. The off-site advertising structure did not comply with all ordinances and regulation for such structures in effect at the time of its construction or use, without consideration of messages;
 - b. The offsite advertising structure was lawfully erected, but has not contained copy for public display for a consecutive period of eighteen months or longer;
 - c. The sign has been damaged to the extent that the cost of repair, other than copy replacement, will exceed fifty percent of the sign value, as defined in Section 17.01.1104. The sign value shall be reasonably determined by the director;

- d. The structure is the subject of an agreement between the owner and the city for its removal as of any given date;
4. Removal without compensation; residential areas and agricultural areas. Except as limited by state law, the city may require the removal of a nonconforming off-premises advertising structure that was legally erected and maintained in existence on the effective date of this chapter but that has become nonconforming with the provisions of this section that meets all of the following requirements.
 - a. The display is located within an area shown as residential on the city's general plan.
 - b. The display is located in an area zoned for residential use either on the date on which the removal requirement is adopted or becomes applicable to the area.
 - c. The display is not located within six hundred sixty feet from the edge of the right-of-way of an interstate or primary highway with its copy visible from the highway, nor is placed or maintained beyond six hundred sixty feet from the edge of the right-of-way of an interstate or primary highway with the purpose of its message being read from the main traveled way.
 - d. The display is allowed to remain in existence for a period of time as set forth in Section 5412.1 of the California Business and Professions Code or any subsequent amendments or adjustments thereof, which section is hereby incorporated by this reference.
 - e. The display is located within an incorporated area shown as agricultural on the city's general plan as of either the date this chapter is first enacted.
 - f. The display is located within an area zoned for agricultural use either on the date on which the removal requirement is adopted or becomes applicable to the area.
 - g. The display is not required to be removed because of an overlay zone, combining zone, or any other special zoning district whose primary purpose is the removal or control of signs.
 - h. The display is allowed to remain in existence for the period of time set forth below after the enactment or amendment after January 1, 1983, of any ordinance or regulation necessary to bring the entity requiring removal into compliance with Business and Professions Code Section 5412, and after giving notice of the removal requirement.
5. Removal with compensation.

Nothing in this section shall prohibit the city from requiring the abatement and removal of a nonconforming off-premises advertising structure in commercial or industrial areas with proper notification and payment of compensation in accordance with the provisions of Section 5412 of California Business and Professions Code.

6. Notwithstanding any provisions to the contrary in this chapter, no nonconforming

advertising structure is required to be removed solely by the passage of time if such action is prohibited by state or federal law.

7. Notification for removal of nonconforming off-premises advertising structures. After determining that an off-premises advertising structure is nonconforming in accordance with the provisions of this section, the director shall cause a written notice of such nonconformance to be sent to the owner of the property upon which said structure is located and the owner of said structure that states the requirements to bring the sign into compliance with this chapter, and the date upon which said sign shall achieve conformance or be removed.
8. A demolition permit shall be required for removal required to bring a structure into compliance with the provisions of this chapter.
9. Structures determined to be nonconforming pursuant to this chapter and determined to be a public nuisance due to unsafe structural conditions as determined by the building official are required to be abated immediately.
10. Written notice for removal shall be mailed by certified mail to the property owner upon which said structure is located and the owner of the structure. The notice shall state the date for removal.
11. All nonconforming structures required to comply with the provisions of this chapter because of expiration of an applicable time period or payment of fair and just compensation shall be deemed a public nuisance, and may be removed by any city employee or private contractor at the direction of the city manager or his designee, upon the expiration of sixty days after written notice of such nonconformance and order of removal has been made. The actual cost for such removal may be charged to the property owner.

Section 17.01.1110 - Non-Commercial Signs and Messages.

- A. Non-commercial signs, including political signs, shall be allowed under any circumstance in which a Commercial Sign is allowed, pursuant to the same rules and regulations as are applicable to any Commercial Sign, and as additionally allowed pursuant to this chapter.
- B. Subject to a property owner's consent, a noncommercial message of any type may be substituted for any duly permitted or allowed commercial message or any duly permitted or allowed noncommercial message, providing that the sign structure or mounting device is legal, without consideration of message content. Such substitution of message may be made without any additional approval or permitting. This provision prevails over any more specific provision to the contrary within this chapter. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. This provision does not create a right to increase the total amount of signage on a parcel or land use, nor does it affect the requirement that a sign structure or mounting device be properly permitted.

Section 17.01.1111 - Construction, Maintenance and Removal of signs.

- A. Construction. Every sign and all parts, portions, units and materials comprising the same, together with the frame, background, supports, or anchorage therefore, shall be manufactured, fabricated, assembled, constructed, and erected in compliance with all applicable state, federal and city laws and regulations, including but not limited to all applicable safety codes.
- B. Maintenance. Every sign and all parts, portions, units, and materials comprising the same, together with the frame, background, supports, or anchorage therefore, shall be maintained in proper repair and a proper state of preservation and repair. The display surface of all signs shall be kept neatly painted and/or posted.
- C. Notices to maintain, alter, or repair. Upon a written notice from the director, the necessary maintenance, alterations, or repairs shall be made within ten days after the date of such notice. Orders to maintain, alter or repair are appealable in the same manner as sign permit decisions.
- D. Removal. Except as otherwise provided in this chapter, signs pertaining to enterprises, occupants or activities that are no longer using the premises for which the sign relates, or that are inoperative, shall be painted out, obliterated or removed from the premises within sixty days after the enterprise or occupant has vacated the premises or the sign is found to be inoperative. Any nonconforming signs that exist at the time a business becomes inoperative, as defined in this chapter, shall be removed and may not be replaced, restored or revised unless brought into conformance with this chapter. Allowable temporary signs shall be removed no later than five days after the occurrence or completion of the event or election or other purposes served by the sign.
- E. Public nuisance abatement. Any sign violating the provisions of this section shall constitute a public nuisance and shall be subject to abatement, using the following procedure.
 - 1. The director shall make an initial decision that a sign is in violation of this chapter, and shall give notice of that determination to the property owner, and business owner or sign owner. The notice shall specify the grounds for considering the sign a public nuisance and provide thirty calendar days in which the nuisance may be remedied, unless the sign qualifies as an immediate peril, in which case Section 17.01.1111.E.3 shall apply. A notice to abate a public nuisance sign is appealable in the same manner as a sign related decision.
 - 2. If the nuisance condition is not remedied within thirty days or such extension of time as the director may allow on the ground that remedy is not feasible within thirty days, the director may cause the sign to be removed, and the cost of removal shall be billed to the sign's owner, the property owner, business or establishment owner, or other responsible party. Said cost may be assessed as a lien against the property upon which the sign was displayed.
 - 3. Notwithstanding the foregoing, the director may cause any sign that is an immediate peril to persons or property to be removed summarily and without prior notice. If a sign is summarily removed pursuant to this section, the director shall give notice of the removal to the appropriate parties as soon as it is reasonably possible after the removal.

4. Any sign directed to be so removed shall also require that the structure from which the sign is removed be left in good condition.

Section 17.01.1112 - Prohibited Signs. All signs not specifically permitted by other provisions of this chapter shall be prohibited. The following signs shall not be permitted unless specifically allowed by a Specific Plan, Overlay District or other Section of this Code:

- A. Portable signs, such as freestanding or wheeled signs higher than 42" in height, and metallic balloons;
- B. Vehicles containing advertising intentionally parked on public or private property for extended amounts of time at the same location for the primary purpose of advertising or directing attention to a permanent business;
- C. Signs that incorporate in any manner any flashing, moving, or intermittent lighting;
- D. Rotating or animated signs, or signs that contain any moving parts;
- E. No signs, lights or other advertising structure shall be:
 1. Located within the right-of-way of any highway;
 2. Visible from any highway and simulating or imitating any directional, warning, danger or information sign permitted under the provisions of this chapter, or be likely to be mistaken for any permitted sign, or if intended or likely to be construed as giving warning to traffic, by, for example, the use of the words "stop" or "slow down.";
 3. Maintained in any other but a safe condition;
 4. Visible from any highway and displaying any red or blinking or intermittent light likely to be mistaken for a warning or danger signal;
 5. Illuminated so as to impair the vision of travelers on adjacent highways; Illuminations shall be considered vision impairing when its brilliance exceeds the values set forth in Section 21466.5 of the Vehicle Code;
 6. Visible from a state regulated highway and displaying any flashing, intermittent, or moving light or lights, or that appear to be moving.
- F. Signs that exceed the roofline or parapet to which such signs are attached;
- G. Yard Sale and Real Estate signs in the public right-of-way.
- H. Billboards as specified in Section 17.01.1104 of this Chapter.
- I. Off-Site Signs as defined in Section 17.01.1104 of this Chapter.

Section 17.01.1113 - Advertising on Public Property.

- A. No person, except a public officer or city employee in the performance of his duty shall paste, post, paint or erect any flag, pennant, sign or notice of any kind or cause the same to be done upon public property, street, bridge, or sidewalk within the city and no person shall attach any item to private utility poles;
- B. Exceptions. Signs and banners for special public events to the benefit of the entire community and authorized by the director or designee.

Section 17.01.1114 - Temporary Non-Commercial Signs.

- A. General. Non-commercial signs are permitted (without the requirement of seeking a permit from City personnel) in any district subject to the following limitations:
 - 1. Time Limits. No sign shall be posted more than ninety (90) days prior to the election or event or subject matter to which it pertains. All signs shall be removed within thirty (30) days following the election, event, or subject matter to which they pertain;
- B. Exceptions. Temporary Non-Commercial Campaigning Signs shall be prohibited in locations listed below:
 - 1. Public Right-of-way. No sign shall be posted within the street right-of-way (including, but not limited to, median islands, tract entry planters, treewells and parkways), or on any traffic-control sign, private or public utility company poles;
 - 2. Public Facilities. No sign shall be posted on any building or on any property owned by the city.

Section 17.01.1115 - Temporary Advertising for New Residential Developments. This section provides the standards for the implementation of on-site subdivision signs. The purpose of these standards is to avoid adverse impacts to existing residential neighborhoods, to direct the public to new residential developments, and to help reduce the aesthetic impacts on the streetscape.

- A. On-Site Signs and Flags. New residential developments that offer ten (10) or more units for sale, rent or lease may erect temporary on-site advertising signs subject to the following:
 - 1. Size.
 - a. One (1) sign per residential development may be located within the boundaries of the development. Such signs shall not exceed one hundred (100) square feet in area and with a total height of twenty feet (20') above grade;
 - b. Additionally, up to ten (10) flags (which direct the public to the location of the model home complex or outline the primary entrance to the development) may be allowed, such flags shall not exceed fifteen (15) square feet in area and with a total height of twenty feet (20') above grade;
 - c. One (1) sign per Model Home Complex (if one is proposed) for the primary identification of the Model Home Complex. Such sign shall not exceed thirty-two (32) square feet in area with a total height of eight (8') above grade.
 - 2. Approval Required. Signs and flags are subject to approval of a temporary sign permit by the Director or Designee. The permit shall be valid for one (1) year. Extensions may be granted by the Director upon request of the applicant;
 - 3. Bond Required. Such signs and flags are subject to a five hundred dollar (\$500.00) cash bond or deposit in order to guarantee prompt removal upon expiration of the approval period, not to exceed 30 days;
 - 4. Removal of Signs. The bond/deposit shall be forfeited if signs and/or flags are not removed within the expiration date.

Section 17.01.1116 - Temporary Advertising for Developments Other Than New Residential Developments. Temporary advertising for new developments other than residential projects shall be permitted subject to the following:

- A. One (1) freestanding sign per development may be erected. Such signs shall not exceed thirty-two (32) square feet in area, nor ten feet (10') in height.
- B. One (1) wall sign per building may be displayed. Such signs shall not exceed one (1) square foot per lineal foot of building frontage, provided however, that no sign shall exceed fifty (50) square feet;
- C. Signs shall not be displayed for more than one (1) year.

Section 17.01.1117 - Temporary Advertising Devices "Temporary Signs". Temporary signs such as pennants, banners, spinners, flags, non-metallic inflatable devices "balloons", and portable signs shall be permitted for promotional purposes only subject to the following regulations:

- A. All temporary signs shall require a permit and shall be subject to the review and approval of the Planning Division;
- B. Pennants, banners, spinners, flags, non-metallic inflatable (small or large) devices "balloons", and portable signs including air operated signs shall be displayed only at the location where the promotion occurs;
- C. The maximum number of temporary signs permitted per occurrence period shall be two (2) sign types;
- D. The display of temporary signs for promotional purposes shall be subject to the following additional regulations:
 - 1. Pennants and Flags (defined as small strips of cloth or plastic fabric triangularly or rectangular shaped and a rectangular piece of fabric on poles used as advertising devices):
 - a. Pennants and/or flags on strings and flags on poles shall be allowed for a maximum of thirty (30) consecutive days per occurrence period, six (6) times per calendar year. No more than two (2) occurrence periods shall be combined at any one time. Each occurrence period shall be separated by at least fourteen (14) consecutive days if not combined;
 - b. Flags on poles shall be limited to 10 flags per occurrence period. Each flag shall not exceed fifteen (15) square feet in area;
 - c. The height of pennants and/or flags on strings and flags on poles shall not exceed twenty (twenty (20') feet above grade;
 - d. Pennants and/or flags shall be kept in good condition at all times.
 - 2. Banners (defined as large strips of cloth or plastic fabric used as an advertising device)
 - a. Banners shall be allowed a maximum of thirty (30) consecutive days per occurrence period, four (4) times per calendar year. Each occurrence period shall be separated by at least thirty (30) consecutive days;
 - b. Only one (1) banner shall be permitted per building and/or tenant space;
 - c. Banner sign area shall not exceed sixty (60) square feet;
 - d. Banners shall be attached to the building or canopy parallel to the building face. No portion of any banner shall project more than six inches (6") from the face of the building or canopy to which it is attached.

- e. Banner shall be kept in good condition at all times.
- 3. Small inflatable non-metallic devices "balloons":
 - a. Balloons twelve (12") inches or less in diameter may be allowed without a temporary sign permit;
 - b. The height of the balloons shall not exceed forty-five (45') feet above grade.
- 4. Large inflatable non-metallic devices "balloons":
 - a. Balloons greater than twelve (12") inches in diameter such as inflatable statutory, or a hot air balloon may be may be allowed with a temporary permit a maximum of thirty (30) consecutive days per occurrence period; four (4) times per calendar year. Each occurrence period shall be separated by thirty (30) consecutive days and must be included as part of a permitted promotional period;
 - b. The height of the balloons shall not exceed the distance from the proposed location to the nearest property line.
 - c. Balloon shall be allowed only on private property;
 - d. Balloon shall be placed so as not to impede pedestrian and vehicular traffic;
 - e. Balloon shall be properly secured to the ground or a structure to withstand extreme wind conditions;
 - f. Balloon shall be kept in good condition at all times.
 - g. Only one balloon shall be permitted per building or tenant space.
- E. Movable signs defined as sandwich boards, made of wood, plastic, or metal that may contain commercial information may be allowed with a sign permit reviewed and approved by the Planning Division on a yearly basis subject to the following additional regulations:
 - 1. Only one (1) movable sign shall be permitted per tenant space;
 - 2. Sign shall not be allowed within the public right-of-way (i.e., public side walk, etc.,)
 - 3. Sign area shall not exceed thirty inches (30") wide and forty-two inches (42") high and have no more than two (2) faces;
 - 4. Sign must be placed so as not to impede pedestrian and vehicular traffic;
 - 5. Sign must be placed so as not to impede line-of-sight for vehicular traffic;
 - 6. Sign shall be allowed only on private property;
 - 7. Sign shall be displayed only during operating business hours. Sign shall be kept in good condition at all times.
- F. Temporary Window Signs may be allowed without a temporary sign permit subject to the following regulations:
 - 1. They shall be permitted only inside a window of the business to which such sign pertains;
 - 2. Sign area shall not exceed 25% of the window pane area;
 - 3. Total area occupied by said sign shall not screen the view of the inside of said tenant space;

4. Signs shall be displayed in a neat and orderly manner and shall not contain any words, symbols or pictures that may be offensive to the general public;
5. Holiday window decorations shall be permitted. The duration for the decoration of the window shall be limited to a period not exceeding six (6) weeks prior to the holiday and two (2) weeks following the holiday.

Section 17.01.1118 – Identification Signs in Residential Zones. The following regulations shall apply to all signs and outdoor advertising structures in residential zones, except as provided in Section 17.01.1108, Exemptions.

- A. All signs shall require a permit and shall be subject to the review and approval of the Planning Division;
- B. For other than single-family detached residential, developments on lots less than one hundred (100') feet in width may be permitted one (1) wall sign containing a maximum sign area of ten (10) square feet;
- C. Large scale developments having more than six (6) units and a lot width greater than one hundred feet (100') may be permitted one (1) sign per street frontage containing no more than one (1) square foot per each ten feet (10') of linear lot frontage and shall not exceed thirty-two (32) square feet of sign area. Such signs may be freestanding or wall signs;
- D. All signs shall harmonize with the scale and design of the development and if lighted shall be indirectly lighted;
- E. Freestanding signs shall have an overall maximum height of six (6') above grade. Such sign shall not extend out from the furthest projection of the main building more than five feet (5') on any side of front yard;
- F. A wall sign shall be fastened parallel to the surface of the main building and may be placed at a height not greater than two-thirds (2/3's) of the height of the building surface upon which it is located.

Section 17.01.1119 - Signs in Commercial Zones. The following regulations shall apply to all signs and outdoor advertising structures in the CO, CN, & CH Zones:

- A. All signs shall require a permit and shall be subject to the review and approval of the Planning Division
- B. No sign shall be permitted that does not pertain directly to an approved business conducted on the premises, except as provided in Section 17.01.1108, Exemptions.
- C. All signs, except those provided for in Section 17.01.1117, Temporary Advertising Devices, shall be permanent in nature and shall be consistent with and reflect the architectural design of the building with which they are associated, and shall incorporate unifying features such as materials, styles and colors;
- D. Wall Sign Ratio 1:1. The total sign area permitted per building frontage shall not exceed one (1) square foot per lineal foot of building frontage on which the sign is located subject to the following:
 1. Building frontage may not be combined to permit a larger sign on any one building frontage;
 2. Signs shall be attached to the building or canopy, parallel to the building face. No portion of any sign or its supporting structure, may project more than six inches (6") from the face of the building or structure to which it is attached.

- E. Sign Program Requirement. Businesses in an integrated development shall be required to submit for review & approval a Uniform Sign Program approved by the Director. The purpose of the sign program is to develop a cohesive and consistent design theme for all proposed sign types taking into consideration the layout of the proposed development and identifying unique advertising needs for the end users. All signs within an integrated development shall comply with the established Sign Program regulations and subject to Section 17.01.1105 (Permit Required);
- F. Freestanding Signs. In addition to the above, businesses in a separate or independent building and occupying at least one hundred feet (100') of frontage on one street may be permitted one (1) freestanding sign subject to the following:
1. Sign area per street frontage shall not exceed twenty (20) square feet per one hundred (100) lineal feet of the street frontage on which the sign is located, provided, however, that no one sign shall exceed sixty (60) square feet in area;
 2. Maximum height of freestanding signs shall not exceed eight feet (8') above the public sidewalk elevation;
 3. Signs shall reflect the architectural design of the building with which they are associated, and shall incorporate unifying features such as materials, styles and colors. Simple Pole Signs are discouraged because these do not incorporate features associated to buildings;
 4. No portion of any sign or supporting structure shall be located closer than five feet (5') to any property line, nor be located in such a manner as to constitute a hazard to pedestrian or impede appropriate line-of-sight for vehicular traffic;
 5. No sign is permitted for frontages on local residential streets;
 6. All freestanding signs shall include the address of the business in numerals and/or letters at least six inches (6") high. Addresses shall not be obscured by landscaping or other obstructions;
 7. All freestanding signs shall be located in a planter area not less than fifty (50) square feet in area and with a minimum width of five feet (5').
- G. Center ID Signs. In addition to the above, one (1) center identification sign per street frontage is permitted for integrated developments of five (5) or more separate units subject to the following:
1. The sign shall not exceed thirty (30) square feet per one hundred (100) lineal of street frontage on which the sign is located, provided, however, that the maximum sign area shall not exceed three hundred twenty (320) square feet per sign;
 2. No sign shall exceed the height of the building with which it is associated or the structure height limits of the zone;
 3. Signs shall reflect the architectural design of the building with which they are associated, and shall incorporate unifying features such as materials, styles and colors;
 4. No portion of any sign or supporting structure shall be located closer than five feet (5') to any property line, nor be located in such a manner as to constitute a hazard to pedestrian or impede appropriate line-of-sight for vehicular traffic;
 5. No sign is permitted for frontages on local residential streets;

6. All freestanding signs shall include the address of the center in numerals and/or letters at least six inches (6") high. Addresses shall not be obscured by landscaping or other obstructions;
 7. All freestanding signs shall be located in a planter area not less than one hundred (100) square feet in area with a minimum width of five feet (5');
 8. All freestanding center identification signs shall be subject to the review and approval of the Director or designee subject to the provisions of Chapter VII, Section 17.01.710, Development and Design Review.
- H. Reserve.
- I. Small suspended or projecting signs may be permitted in addition to provisions of Subsections D, F, G, and H, subject to the following:
1. A maximum of one (1) such sign per building frontage is permitted provided that it is perpendicular to the main face of the building and suspended from a canopy or projects not more than three feet (3') from the building face;
 2. Signs shall not exceed two (2) square feet in area and shall have a minimum ground clearance of eight feet (8');
 3. All such signs shall be non-energized and non-electrical.
- J. Freeway Identification Signs. Signs oriented to freeway traffic shall be permitted subject to the following limitations:
1. Signs Permitted Within Six Hundred Sixty Feet from the Edge of the Right-of-Way of an Interstate or Primary Highway (types). No signs or advertising displays shall be placed or maintained within six hundred sixty feet from the edge of the right-of-way of an interstate or primary highway, except as follows:
 - a. Signs or advertising displays that are not freeway-oriented and that conform in all other respects to the provisions this chapter setting out types of signs permitted, may be permitted as freestanding signs (pole or monument) and wall or building face signs only;
 - b. All freeway-oriented signs shall be approved in accordance with Section 17.01.1119.J.2 of this Chapter;
 - c. Signs erected by local government to direct traffic to roadside or community business areas. Pole or freestanding signs may be utilized for this use; and
 - d. Signs required by law, including legal notices or advertisements prescribed by law or posted by any lawful officer or agent, are allowed without permit, so long as they conform to the law requiring their posting or display
 - e. Properties containing such signs shall be adjacent to a freeway or a freeway ramp;
 2. Signs Permitted Within Six Hundred Sixty Feet from the Edge of the Right-of-Way of an Interstate or Primary Highway. All freeway-oriented signs within six hundred and sixty feet of a freeway right-of-way shall be processed in accordance with this section. A sign application shall be submitted and the required fees paid. Some

freeway-oriented signs may be approved by the Director and others may be approved by the Planning Commission, as described in the following sections.

- a. The Director may approve subject to the provisions of Chapter VII, Section 17.01.710, "Development & Design Review Procedures freeway-oriented freestanding and building face or wall signs as follows:
 1. If the commercial development, as defined in Section 17.01.1104 of this Chapter, is less than two acres in size, a freestanding sign may be permitted up to a maximum height of thirty-five (35') feet;
 2. If the commercial development is two acres or more in size, a freestanding sign may be permitted up to a maximum height of forty-five (45') feet;
 3. Regardless of the permitted height, total sign area shall not exceed thirty (30) square feet per one hundred (100) lineal feet of freeway frontage, provided, however, that the maximum sign area shall not exceed one hundred fifty (150) square feet;
 4. Said sign shall be located in a planter area not less than fifty square feet (50 sf.) with one dimension being at least five feet (5').
 5. In no case may the total number of freestanding signs, or monument, freeway-oriented or not, exceed the total number of street and freeway frontages; and
 6. Freeway-oriented building face or wall signs shall be limited to a maximum sign area of one and one half (1.5 sf.) square feet for each lineal foot of building face or wall directed toward the freeway of the building floor area occupied by the applicant.
- b. The Planning Commission may approve freeway-oriented freestanding signs as follows:
 1. If the commercial development is two (2) acres or more in size, a freestanding sign greater than forty-five (45') feet in height may be granted by conditional use permit if it can be shown that a greater height is necessary in order to gain adequate identification. Such showing shall include a comparison (line-of-sight analysis) of the elevation of the site and the elevation of the adjacent freeway including off-ramps and accessory freeway features;
 2. Regardless of the permitted height, total sign area shall not exceed forty (40) square feet per one hundred (100) lineal feet of freeway frontage, provided, however, that the maximum sign area shall not exceed three hundred twenty (320) square feet per sign;
 3. In no case may the total number of freestanding signs, or monument, freeway-oriented or not, exceed the total number of street and freeway frontages; and

- K. Temporary window signs, including signs painted on windows shall be permitted subject to the regulations for temporary window signs set out in Section 17.01.1117.F.1 through 5.

- L. Signs for gasoline dispensing establishments shall comply with the provisions of Section 17.01.1122.

Section 17.01.1120 - Signs in the Callexico Downtown District (CS Zone). All signs within the boundaries of the Callexico Downtown Design and Implementation Program - Study Area shall comply with regulations pursuant to Section 3.4 "Signage Standards" of said Program.

Section 17.01.1121 - Signs in the Industrial Zones. The following regulations shall apply to all signs and outdoor advertising structures in the "I" & "IR" Zones:

- A. All signs shall require a permit and shall be subject to the review and approval of the Planning Division;
- B. No sign shall be permitted that does not pertain directly to an approved business conducted on the premises;
- C. All signs, except those provided for in Section 17.01.1117, Temporary Advertising Devices, shall be permanent in nature and shall be consistent with and reflect the architectural design of the building with which they are associated, and shall incorporate unifying features such as materials;
- D. Wall Sign Ration 1:1. The total sign area permitted per building frontage shall not exceed one (1) square foot per linear building frontage on which the sign is located subject to the following:
 - 1. Maximum size of any sign shall be 100 square feet;
 - 2. Building frontages may not be combined to permit a larger sign on any one building frontage;
 - 3. Signs shall be attached to the building or canopy, parallel to the building face. No portion of any sign or its supporting structure may project more than six inches (6") from the face of the building or structure to which it is attached;
- E. Sign Program Requirement. Businesses in an integrated development as defined in this Chapter, shall be required to submit for review & approval a Uniform Sign Program approved by the Director. The purpose of the sign program is to develop a cohesive and consistent design theme for all proposed sign types taking into consideration the layout of the proposed development and identifying unique advertizing needs for the end users. All signs within an integrated development shall comply with the established Sign Program regulations and subject to Section 17.01.1105 (Permit Required).
- F. Freestanding Signs. In addition to the above, businesses in a separate building and occupying the entire building area on a parcel with a street frontage of at least one hundred feet (100') on one street may be permitted a freestanding monument sign subject to the following:
 - 1. Sign area per street frontage shall not exceed 20 square feet per 100 lineal feet of the street frontage on which the sign is located, provided, however, that no one sign shall exceed sixty (60) square feet;
 - 2. Maximum height of the sign shall not exceed six feet (6') in height;
 - 3. No portion of any sign or supporting structure shall be located closer than five feet (5') to any property line, not be located in such a manner as to constitute a hazard to pedestrian or vehicular traffic;
 - 4. No sign is permitted for frontages on local residential streets;

5. All freestanding signs shall include the address of the business in numerals and/or letters at least six inches (6") high. Addresses shall not be obstructed by landscaping or other obstructions;
 6. All freestanding signs shall be located in a planter area not less than fifty (50) square feet in area and with a minimum width of five feet (5').
- G. In addition to the above, one center identification sign per street frontage is permitted for integrated developments of five or more separate units subject to the same regulations stipulated in Section 17.01.1119.G.
- H. Freeway Identification Signs. Shall comply with the provisions of Section 17.01.1119.J of this Chapter.
- I. Signs for gasoline dispensing establishments shall comply with the provisions of Section 17.01.1122.

Section 17.01.1122- Signs for Gasoline Dispensing Establishments "Gas Stations". The following regulations shall apply to all signs and advertising structures for service stations, including mini-markets or similar associated uses:

- A. One freestanding sign per street frontage may be permitted subject to the following:
1. Sign area shall not exceed twenty (20) square feet per one hundred (100) lineal feet of street frontage, plus twenty-four (24) square feet. Price signing shall be included within this sign area;
 2. Maximum height of the sign shall not exceed six feet (6') above the adjacent public sidewalk;
 3. Signs shall reflect the architectural design of the building with which they are associated and shall incorporate unifying features such as materials;
 4. Street frontages may not be combined to permit a larger sign on any frontage;
 5. All freestanding signs shall include the address of the business in numerals and/or letters at least six inches (6") high. Addresses shall not be obstructed by landscaping or other obstructions;
 6. All freestanding signs shall be located in a planter area not less than fifty (50) square feet in area and with a minimum of five feet (5').
- B. The total sign area of all wall signs per building frontage shall not exceed one (1) square foot per lineal foot of building frontage on which the sign is located;
- C. Signs above pump and pump islands shall be limited to directions for use of pumps and payments, or other signs required by state regulations, and sign area shall not exceed a total of ten (10) square feet per pump island;
- D. Temporary window signs, including signs painted on windows shall be permitted subject to the regulations for temporary window signs set out in Section 17.01.1117.F.1 through 5.
- E. Temporary advertising signs may be permitted subject to the provisions of Section 17.01.1116, Temporary Advertising Devices.

Section 17.01.1123 - Signs in Open Space Zones. Except as provided in Section 17.01.1108, Exceptions, all signs in Open Space and Recreational Areas shall be subject to review and approval of the Planning Commission, which shall consider the special circumstances of these zones, including special hazards and overly zones which may be associated with them.

Generally, the regulations set forth in Section 17.01.1119, Signs in Commercial Zones, shall be used as guidelines for signs in these districts."

PASSED, ADOPTED, AND APPROVED by the Planning Commission of the City of Calexico at the regular meeting this 28th day of June, 2010.

CITY OF CALEXICO
PLANNING COMMISSION

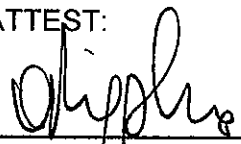

Carlton Hargrave, Chairperson

STATE OF CALIFORNIA)
CITY OF CALEXICO) ss.
COUNTY OF IMPERIAL)

I, Armando G. Villa, Planning Commission Secretary of the City of Calexico, do hereby certify under the penalty of perjury, that the foregoing Resolution No. 2010-16, was duly adopted by the Planning Commission at a meeting of said Commission held on the 28th day of June, 2010, and that it was so adopted by the following vote:

ROLL CALL: AYES: Higuera, Lopez, Cardenas.
 NOES: Hargrave.
 ABSENT: Rodriguez.
 ABSTAIN: None.

ATTEST:



Armando G. Villa
Secretary – Director